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FIRST THINGS

A Monthly Journal of Religion and Public Life

Natural Law and the Constitution
Robert H. Bork

Christians, Jews, and Anti-Semitism
The Editors

Religion & the Court: A New Beginning?
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What I Saw at the American Academy of Religion
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Opinions and Reviews: Midge Decter on Underground New York
Robert Royal on the Flat Earth • Robert Goldberg on *Scandal*
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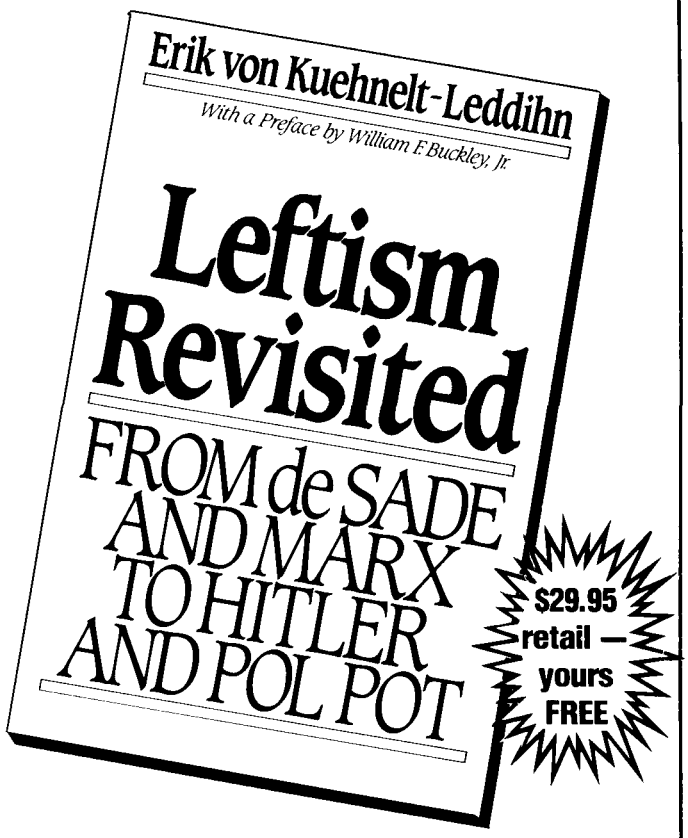
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FIRST THINGS

A Monthly Journal of Religion and Public Life

MARCH 1992 • ISSUE 21

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Jews and Christmas

How does one respond to the late—and highly respected—Jakob Petuchowski's eloquent critique of those Jews who oppose the display of religious symbols on public property ("A Rabbi's Christmas," December 1991)? Not easily. But let me try.

The story has been told that, shortly after the constitutional convention in Philadelphia in 1787, a professor of theology at Princeton rebuked Alexander Hamilton because, in the document they drafted, the founders of the republic failed to espouse Christianity. Hamilton is said to have replied, "Well, I declare, we forgot." Of course, the founders didn't forget at all. What they did was remember. They remembered that this country had been settled mainly by Christians—Puritans, Quakers, Baptists, Lutherans, Catholics, Huguenots, Mennonites, and many others—who were fleeing oppression in Europe at the hands of other Christians who controlled the machinery of government, who had read the Gospels, and who sincerely believed they were doing the Lord's will when they savagely persecuted dissident minority sects, both Christian and Jewish. They remembered also what had happened in this country to religious dissenters in the Puritan theocracy of the Massachusetts Bay Colony and under the Anglican establishment in Virginia.

Precisely because the founders remembered, in the entire body of the Constitution they framed there is no mention whatever of Jesus or Moses, or even of God. Does that mean that they were anti-religious? Of course not. Did the founders, therefore, in Rabbi Petuchowski's critical words elsewhere in his article, "'establish' the religion of Secularism as the official religion of the United States"? Again, of course not. But even though they surely didn't ponder the question of crèches or menorahs on public property, they surely did reject the concept of fusion of religion and government. Clearly, they wanted the two to remain separate. . . . There is, of course, nothing in the U.S. Constitution which says that religions cannot play a vital, visible role in American public life. They certainly can, and they certainly should. Separation of church and state has never meant separation of church and society.

With regard to crèche and menorah displays, is there any *religious* need to place sacred symbols of any faith at the seats of government? Once again, of course not. There is certainly no dearth of *private* spaces readily available for the *public* display of sacred symbols—churches, synagogues, religious schools, private lawns, and store fronts. . . .

To some very well-meaning people, the constitutional principle of separation of religion and government is just so much idle banter. (The late Marshall McLuhan, for example, one remarked that the whole issue of separation of church and state had outlived is *uselessness.*) In the cogent words of the Williamsburg Charter, however, "Far from denigrating religion as a social or political 'problem,' the separation of Church and State is both the saving of religion from the temptation of political power and an achievement inspired in large part by religion itself. Far from weakening religion, disestablishment has, as an historical fact, enabled it to flourish."

As Rabbi Petuchowski well realized, most American Jews are indeed staunchly "separationist"—and for good historical reasons. Some of them also believe that it is their civic responsibility to articulate their beliefs and, if need be, to advocate them robustly in courts of law in specific situations. Were it not for such activists, Passion Plays with anti-Semitic undertones, for example, might still be staged at Easter time in public schools in Dade County, Florida. Nor, contrary to Rabbi Petuchowski's views, is it a proper function of government under our Constitution to compose or to sponsor prayers (even non-denominational prayers) for American school children to recite. The U.S. Supreme Court has made that

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quite clear. With all due respect to the late Rabbi Petuchowski, it is fair to say that he did not really believe very strongly in the principle of *separation of religion and* government.

If, God forbid, the United States should ever become, in Rabbi Petuchowski's words, "a totally Godless society," it will not be because some people feel deeply, for another example, that the only symbol that properly belongs on a public firehouse is the American flag, not the Cross of Christ. Having said all of this, this writer (as did Rabbi Petuchowski) also "rather likes the sights, the sounds, the smells, and the tastes of Christmas," and "continues to wish his Christian friends a heartfelt 'Merry Christmas' at Yuletide." In sum, let thousands of crèches—and menorahs—bloom! But out of symbolic respect for constitutional principle, let them be *publicly* displayed on or at other than government property.

Samuel Rabinove
Legal Director
American Jewish Committee
New York, NY

Jakob J. Petuchowski's "A Rabbi's Christmas" expresses friendly feelings toward Christians who publicly display religious Christmas symbols, and resentment toward those persons, apparently mostly Jews, who, like Grinches, want to do away with such wholesome celebration.

One thing wrong with the article is that it uses the term "public observance of Christmas" and equivalent terms in an ambiguous way. Christmas pastry, crèches, and carols—found in and around stores, homes, and churches—are in no way at issue. Only late in the article does it touch on the real issue—not "public observance" and not "spontaneous expression" but religious displays, songs, and presumably prayers that are supported or sponsored by local governments. The examples are "a crèche at City Hall . . . or a Christmas carol at a public school assembly."

But city halls and public schools belong to a public that consists not merely of Christians but of Muslims, Buddhists, agnostics, atheists, and, of course, Jews. According to the principles of American tradition and of basic fairness, such public institutions should not give the impression that some one religion is the established religion of the country, and therefore superior to all others. . . .

I do not think that thoughtful Christians demand tax-supported opportunities for their religious observances. After all, they have the use of their homes and churches, inside and outside, the places most suitable for the manifestation of their deepest beliefs. They no doubt do not feel so spiritually weak as to require government sponsorship of their faith.

The second thing wrong with Rabbi Petuchowski's argument is that it libels Jews when it claims that they harbor "Jewish animosity" toward "public celebration of the birthday of Jesus of Nazareth." It goes on to suggest that a high proportion of Jews are "secularists" who hate all religions and who "want to denude the 'public square' of every last trace of religious influence."

In my experience . . . the vast majority of Jews have no such animosity; and the claim that they have sounds as if it comes from someone who does not like Jews. At the same time, Jews, like adherents to other non-Christian religions, may with justice object to their children in school being forced either to sing or to pretend to sing of "Christ the Lord." Moreover, the many "secularists" I have known, far from hating all religion, usually think so little of religion that they for the most part merely ignore it. . . .

Referring to the Talmud and to expediency, "A Rabbi's Christmas" warns Jews not to annoy Christians by demanding justice. As for me, I prefer the prophet Amos' advice: "Let justice roll down like waters" (5:24).

Leonard Moskovit
Professor Emeritus of English
University of Colorado at Boulder

Dissent on Reagan

Nothing so confuses me as the defense by so many writers in First Things of Ronald Reagan (James Nuechterlein, "Reagan's America, America's Reagan," December 1991). Whenever the word is not taken as a synonym for libertarian or racist . . . I can pass any test for "conservative." But, unlike Mr. Nuechterlein's friend who saw Reagan on TV and said "He's good," every time I see Ronald Reagan I am reminded of Mark 9:42: "If anyone gives scandal, it is better for that person that a millstone be tied around his neck and he be tossed into the sea." It would be a great help if we had some list of characteristics of Ronald Reagan that are taken by his Christian admirers to be admirable. Let me make a list of what those Christians who so dislike him find contemptible.

1. Christ's First Commandment. People like myself are stunned that Mr. Nuechterlein can be unaware that Ronald Reagan so rarely (never?) goes to church. Contrary to the quote from Reagan that appears in the article, he was infrequently in church and was *often* asked about his absence by reporters during press conferences. The reason he gave for not being there (safety) was not used by his predecessor or successor. . . .

2. Christ's Second Commandment. When he ran for President, Mr. Reagan's income tax returns were made public. His contributions to charity were considerably less than 1 percent of his income. He regularly appointed officials . . . who testified unashamedly to their lack of interest in the poor. Mr. Carter's Christian support of Habitations for Humanity need not be Ronald Reagan's interest. But there should be some evidence somewhere of his concern. . . .

3. Mr. Nuechterlein assures us that Ronald Reagan was "hurt by the charge of racism so regularly raised against him." Can Mr. Nuechterlein offer us any evidence that Ronald Reagan was interested in any way in racial justice or participated in any effort to advance it? . . .

It isn't the "liberals" who are so confused about claims made for

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Ronald Reagan. It is the Christians.

Finally, although "liberalism's near-obsessive concern with the distribution of income [may be] . . . a matter toward which Americans have been mostly indifferent," it was not a matter toward which Jesus Christ was indifferent. I do not jump to the conclusion that income redistribution will work, but I wonder more than Mr. Nuechterlein seems to do what Jesus had in mind as a proper attitude for Christians about income distribution.

Defenders of Ronald Reagan have been able to ignore these honestly felt and easily documented concerns. I hope FIRST THINGS will not. History will not.

Jack Connor
Strafford, PA

Reforming the Trinity

In "The Grammar of Baptism" (December 1991) the Rev. Alvin F. Kimel, Jr. argues with considerable ingenuity against the efforts of feminists to "reform" the name of the Holy Trinity, from its current benighted state of "Father, Son, and Holy Spirit," in the direction of "non-gender-specific terms."

A more direct approach would be simply to admit that it is finally time for Christians to have done with "feminism." Feminists don't care about religious truth. They are motivated instead by nothing more than the desire to see a particular political agenda prevail, but they pretend to be the bearers of some mighty revelation, vouchsafed to them alone, leading one and all to a bright new world of greater inclusiveness and sensitivity.

Let us rather say to the feminists, "We eschew inclusiveness and sensitivity. These are pseudo-virtues, which you try to shame us into accepting, by directing a polemic against the Church, whose moral force is due simply to its use of certain radical chic clichés that we were all taught to grovel before back in the 1960s. Your critique is fundamentally anti-theological in nature. It is based upon a radical egalitarian *political* teaching that insists on the subordination of revealed truth to your version of political orthodoxy. As such it is worse than heresy, it is blasphemy. Father, Son, and Holy Spirit is the name of the Triune God, revealed to us by the incarnate Word Himself and the Holy Spirit, through Holy Tradition and Scripture, the Church Fathers, and the first seven Ecumenical Councils. You have nothing to offer against these but your own insatiable desire for 'equality and social justice,' and the force of your demonic anger."

It is a waste of time to argue with feminists, or to think up clever replies to the cowards who tell us that we are "challenged with being faithful to the credal tradition of the church, while . . . naming the God who is 'One in Three and Three in One' in non-gender-specific terms." This is nonsense. No serious Christian will listen to this pathetic drivel, or have any patience with people who use "words" like "non-gender-specific."

Scott R. Stripling
North Andover, MA

While sharing Alvin F. Kimel's concern relative to the "language revisers," I found his article rather bemusing. If the titles "Father, Son, and Holy Spirit" are so critical in baptism, why did not the Apostles use them? The first-century church always baptized in the name of Jesus, never in the triune titles Father, Son, and Holy Spirit (Acts 2:38; 8:16; 10:48; 19:5). Baptism in the name of Jesus was so well-established and accepted that Paul used it as a basis of his anti-schism argument in 1 Corinthians 1:13.

Jesus was God incarnate (2 Cor. 5:19; Col. 2:9) and the Church did everything in his name—preaching and teaching (Acts 4:18), healings (Acts 3:6), exorcisms (Acts 16:18), and baptisms. The invoking of his name was so pervasive that the sons of Sceva thought it was an incantation (Acts 19:13).

If the Church had retained the emphasis on, and the use of, the name of Jesus in all its activities (Col. 3:17), the current battle over revising the language of the Church would be pretty much dead in the water. Could anyone argue that invoking the name of Betty (or some other name) is the equal of invoking the name of Jesus?

The current language debate is just one more indicator of how much the church lost when it got caught up in the philosophical/theological Christology debates, and replaced the name of Jesus with the titles Father, Son, and Holy Spirit.

Forrest H. Scott
Middletown, OH

Age and Abortion

I have noticed that as some women grow older, they tend to shift toward a more conservative position on the issue of abortion. By the time such women have completed their "analytical odyssey," to use Stephanie Moussalli's pompous term ("Abortion on Second Thought," December 1991), they are often beyond the normal years of childbearing. Many younger women who disapprove of abortion nevertheless do not want the legal option to be closed off because they realize that circumstances may conceivably arise in which they might need to exercise the abortion option, but beyond a certain age threshold there is probably diminished empathy with less "analytical" younger women, who should now, their elders conclude, be compelled by the State to carry an accidental pregnancy to term. Some feminists would call these coerced younger women "pregnancy slaves," which is not quite the same analogy between slavery and abortion that Stephanie Moussalli belabors.

Thomas Robbins
Rochester, MN

Science and Truth

Paul Liben's fine article "Science Within the Limits of Truth" (December 1991) explains why scientific claims to objectivity are threatened by the naturalistic metaphysic that has seduced so many scientists. The Nobel laureate biochemist Arthur Kornberg insists, for example, that "mind, as part of life, *is* matter and

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only matter." If scientific thinking itself is *only* the product of material causes (or cultural prejudice, if you prefer), then science itself is a prime candidate for deconstruction. Scientific realism thus presupposes an investigating mind that has some degree of independence from the grip of material or cultural causation.

Liben also says that creation is a topic outside of science, and that creationism can play only the negative role of denying that there is sufficient evidence for evolution. The point requires an important qualification. Natural science cannot study a supernatural Creator, but it does study life, which may be the product either of materialistic evolution or of intelligent creation. The difference between these two theories of origin has tangible scientific consequences. For example, Michael Polanyi has written that living organisms contain and transmit information, which in principle cannot be explained solely by reference to the laws that govern its physical and chemical embodiment. Polanyi's view has been sharply rejected by materialists like Francis Crick, "who is convinced that all life can be ultimately accounted for by the laws of inanimate nature." That rejection stems from the materialist commitment to Darwinism. As Polanyi explained, "The question is whether or not the logical range of random mutations includes the formation of novel principles not definable in terms of physics and chemistry. It seems very unlikely that it does."

The difference between Polanyi and Crick/Kornberg is of great practical importance for the design of research strategies. We can't understand Shakespeare by learning everything there is to know about ink and paper, and we can't understand a computer program by explaining the electronic medium in which it is expressed. As I point out in *Darwin on Trial*, molecular biologists even now use the language of intelligent communication (information, libraries, translation) because there is no other way to depict what they are seeing. I am advocating that scientists consider intelligent creation seriously because this concept allows them to discard ideological blinkers and recognize the reality that is staring them in the face.

Phillip E. Johnson
University of California
School of Law
Berkeley, CA

Some comments on the Paul Liben article, "Science Within the Limits of Truth," by a retired college professor of social studies and religion.

Mr. Liben has correctly identified a serious challenge to human welfare, a tendency to regard individuals as puppets of "society," and therefore without moral responsibility for their conduct. He is wrong in attributing this to a wrong use of "science" largely by "academics."

One error is a failure to recognize that "science" has different meanings. The discussion sees science as a body of conclusions about some limited area of "truth." But science also means a critical examination of opinions and values by continual "checking up" on the evidence. In this sense, science should have no "limits of truth."

A second question is "Who is to blame for this distorted appeal to 'Science'?" Mr. Liben implies that it is the academics. I am familiar with social scientists and their writings, and know that this is not the case. The trouble arises from pundits who write popular articles. . . .

Today, the main champions of "society is to blame" movements have been ethnic groups who have eagerly seen themselves as "victims" as a device to avoid personal responsibility for their plight and the liberal "Utopians" who aid and abet them. . . .

Sylvanus Milne Duvall
Sarasota, FL

. . . In his excellent article, Paul H. Liben defines science as the study of nature. I disagree. While this statement is descriptively true, it is not an adequate definition. The Greeks were aggressive students of nature. They postulated the heliocentric theory of the solar system (Aristarchus of Samos) and suggested the atomic theory of matter but finally settled for the far more reasonable explanations that the Sun went around the Earth and that all things were composed of earth, air, fire, and water.

The distinguishing feature of modern science is its limiting requirement that findings be repeatable. It is the repeatability factor that has made science such a powerful tool in the search for truth and has given science the reputation that is so coveted by non-scientific disciplines. Even a sociologist asserting that poverty correlates with crime must show repeated examples. He cannot simply point to a poor criminal. A good working definition of modern science might be the study of those things in nature that are repeatable and only those things that are repeatable.

One of the few disciplines called a science and not subjected to the repeatability standard is the study of origins. "Why," we should ask the evolutionist, "should you be exempt?" We may not get an acceptable answer but at least the problem of separate standards is made explicit. Until the student of origins can produce repeated examples of spontaneous generation (living organisms created entirely from non-living matter) followed by an evolutionary process, his speculations remain in the realm of philosophy and outside the strict standards of modern science.

Science can, of course, provide evidence for a philosophical debate. The creationist has the laws of thermodynamics, the absence of any known case of spontaneous generation, and a fossil record "filled" with missing links. The evolutionist has the ongoing process of adaptation throughout nature. But neither side has any scientific proof.

New scientific hypotheses are proposed every day. Many are tested. Of those tested the vast majority go quickly to the garbage can for lack of repeatable results. Yet the theory of evolution has been with us for one hundred years. If the goal of the evolutionist is to replace God with

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a mechanistic model, he is doomed in more ways than one. What model exists to explain what would have been the greatest quantum change in the history of the universe, namely the first cell?

It is also worth remembering that there is no such thing as a scientific fact. The most that any valid scientific finding has ever proven is that the old well-tested theory was wrong. See, for example, what Einstein did to the rock-solid certainty of Newtonian physics. Yet the enlightened modern man is told by so-called scientists to "believe" in the theory of evolution. . . .

My main point is that the best defense of true science can often be found in its own axioms. People who love science need to boldly proclaim these axioms and challenge those who would abuse science's good reputation, to explain why they should be exempt from the rules that created that reputation.

Jim Ober
Baton Rouge, LA

Papal Economics

Readers can thank Francis Canavan for his masterful exposition ("The Popes and the Economy," October 1991) of the place of *Centesimus Annus* in the social magisterium. So far as contemporary U.S. life-styles are concerned, one point he makes deserves special emphasis. As a high-tech version of the ancient vice of avarice, *consumerism* is indeed a monstrous evil. But such a vice is not an essential, necessary characteristic of capitalism, not (*pace* Karl Marx) the inevitable psychological consequence of alienation in the capitalist work place. With private property initiatives and market incentives kept in place, appropriate cultural changes ("a great deal of educational and cultural work," *CA* No. 36) can be introduced to purge capitalism of consumerism and thereby bring the market economy to a higher level of moral perfection.

There are, however, places in Fr. Canavan's analysis which indicate that the theologians haven't yet got John Paul II's message. Fr. Canavan suggests three ways—(i) minimum wage legislation; (ii) obligatory collective bargaining; and (iii) "other means not beyond . . . human intelligence"—for dealing with the case when a firm finds it "economically unfeasible to pay a living wage." The unusual short-case justification for the first two options assumes that shifting the balance of power in favor of labor can force a redistribution of income from capitalist bad guys to worker good guys and thereby achieve a living wage for the firm's employees. Such an argument has great populist appeal; trade union demagogues love it. But it should be noted that the axiomatic base of such analysis is a bit of flat-earth superstition explicitly rejected by Pius XI—the Marxian labor theory of value and its purportedly "scientific" corollaries, the theory of surplus value and worker exploitation.

A non-Marxian and more insidious justification for reliance on minimum wage legislation to achieve distribution equity is founded on a twisted interpretation of traditional scholastic teaching on economic justice. Through a highly idiosyncratic reading of the *Summa Theologica*, R. H. Tawney bequeathed to the critics of capitalism the notion that the just price of a commodity—the *justum pretium* which serves as the central concept of St. Thomas' teaching on market relationships—was to be determined by the "status" of the producer. The just price of shoes should provide a living wage for shoemakers; the just price of milk should preserve the family farm. To apply such a principle to a market economy, the law should first specify the wage required to maintain the worker in his social position as the price of the commodity he produces should then adapt to the cost structure so established. Such analysis had great appeal to writers (Chesterton) who would romanticize the medieval world. Such an understanding of market relationships undergirds John A. Ryan's classic work on distributive justice (an analysis, be it noted, that was quietly but definitively rejected in the U.S. Bishops' pastoral letter on the economy).

As research by Schumpeter, Langholm, and others has demonstrated, the notion that the scholastic *justum pretium* was to be determined by producer "status" does not reflect an accurate understanding of medieval teaching on economic justice. As the latter was developed by the later scholastics, the just price of a commodity was said to be determined by its usefulness to a typical buyer and is identified by society's *communis estimatio* as reflected in the market. It is this latter conception of exchange justice that is implied in John Paul II's endorsement of the market, especially in his assertion (*CA*, No. 32) that the price of a commodity is determined by contractual agreement between buyer and seller.

However, though purveyors of capitalist ideology would deny it, the principle that the just price of a commodity is determined by supply and demand can indeed give rise to a moral dilemma. What happens when the consumer's right to buy at the just price collides with the worker's right to a living wage? Students of the social magisterium might note this hard case was explicitly dealt with by Pius XI (*Quadragesimo Anno*, Nos. 72, 73).

Pius XI sets up the case carefully, noting that a firm with up-to-date technology, progressive management, and good labor relations, selling its product in a fair market, may nevertheless find itself unable to pay a living wage. In such a "grave crisis," he concludes, "it must finally be considered whether the business can continue or the workers be cared for in some other way." Fr. Canavan's third option for dealing with the firm unable to pay a living wage is here identified. Such a firm is to be closed down, the workers to be "cared for in some other way"—e.g., through unemployment compensation and retraining allowances. Unlike minimum wage and collective bargaining solutions that would keep the workers in place (and eventually require public sector subsidies to keep the otherwise bankrupt firm in business), the plant closure plus

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retraining option facilitates and humanizes, rather than obstructs, the working of the market process.

Those who try to find (mistakenly, as Fr. Canavan rightly affirms) an abrupt change in direction in *Centesimus Annus* might reflect. This deep-level understanding of the market system and identification of plant closure with retraining as the solution for a basic problem was spelled out by Pius XI in one of the classic documents of the social magisterium half a century ago.

Stephen T. Worland
Professor Emeritus of Economics
University of Notre Dame

Dissent on Euthanasia

I like your magazine and appreciate what I have read.

However, I have serious reservations about your editorial on euthanasia ("Euthanasia: Final Exit, Final Excuse," December 1991).

You write of "the ominous advances made by the campaign for euthanasia." You then criticize Derek Humphry's *Final Exit* as a manual for killing.

Let us look at Webster's definition of euthanasia: "An act of putting to death persons suffering from incurable and distressing disease." Is that not quite different from "killing"? Killing is a highly negative term used eighteen times in your editorial, but only once (page 50) in *Final Exit.*

Look again at the purpose of *Final Exit* as stated at the bottom of page 19: "It is aimed at helping public and health professionals achieve *death with dignity* for those who desire to plan for it."

You imply that euthanasia is running rampant in our society. Read again Derek Humphry's caution on page 33: "I cannot emphasize strongly enough that people (doctors included) should help each other to die if there is a bonding of love and friendship and mutual respect."

I agree that "a body is owned, body and soul, by God—created and destined for God." Do we have a right to use mechanical means to keep that soul, entombed in a non-functional physical body, from returning to its Maker?

You indicate that our choice now is between healing and killing. Rather, when healing has reached its limit, should not death with dignity be accepted as part of life—eternal?

Could not money used to keep dysfunctional bodies alive be better used to feed, clothe, house, educate people who are alive—and want to live creatively?

J. Albert Clark
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Church of Christ
Columbus, OH

Body and Mind

I tip my hat to John Crosby for his wonderful article "Education and the Mind Redeemed" (December 1991). An incarnational theology that limits the significance of the earthly appearance of the second person of the Trinity to the salvation of our souls from a world of iniquity and eternal damnation must, inevitably, terminate in a devaluation of everything terrestrial. Hence, in answer to Tertullian's query "What has Athens to do with Jerusalem?" the Christian whose understanding of the incarnation is so circumscribed will either embrace the one (Jerusalem) and hate the other (Athens) or try in vain to unite what can only remain strange (and strained) bedfellows. . . .

While Crosby's interest in this article is limited to Tertullian's quandary (and our own) of relating the elements of the Christian university, that is, philosophy, literature, history, and the liberal arts, to the life of redemption and faith, the underlying issue at stake seems easily to extend beyond intellectual culture. What we are really dealing with here is the legitimacy of any Christian vocation whose end seems, and perhaps is, unambiguously terrestrial.

This problem is particularly acute in the evangelical community. If our terrestrial purpose is that of evangelism and the salvation of souls, how are we to justify any vocation whose end is not directly, or indirectly, so oriented? What invariably emerges in such circles is the kind of thinking that impels evangelical Christians into missions, the pastorate, or a career whose financial remuneration contributes to these eschatological vocations. An alternative evangelical view of vocation is a utilitarian one, namely, that the reason we need Christians occupying a variety of positions in a multiplicity of "secular" fields is in order to proclaim the gospel to the unbelievers who inhabit those universes of discourse. Such views, however, not only invariably devalue the terrestrial, but what's worse is that in their very devaluation they fail to apprehend the magnitude and universal scope of God's redemptive and re-creative work in the incarnation, life, death, and resurrection of Jesus Christ, a truly cosmic work to which Scripture bears testimony.

It strikes me that an incarnational humanism of the kind posited by Crosby (and a position articulated by many thinkers of the Reformed persuasion) need not threaten in the least the evangelistic fervor of those of us who count ourselves among American evangelicals. The evangelistic mandate recorded in the twenty-eighth chapter of the Gospel of Matthew does not, and should not, issue forth in a devaluation of the terrestrial. The biblical picture seems rather to be that the destiny of humanity and all creation is the destiny of Jesus Christ. Human flourishing in all of its various dimensions accurately mirrors the kingdom of God. Certainly the writer of Psalm 72 anticipated a king whose kingdom would be characterized by terrestrial flourishing. As the blessed receivers of God's promises, should we not embrace the terrestrial as that which is included in the universal redemptive and re-creative act of God in Christ? Is it not time to acknowledge that contributing to human flourishing, exemplifying Christ as the telos of humanity, is not just a humanistic nicety, but constitutive of the very gospel we proclaim? . . .

Kevin Corcoran
New Haven, CT

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Correction

One of our readers points out that the review by Kevin Flannery of Roger Scruton's *The Philosopher on Dover Beach* (December 1991) misquotes Matthew Arnold's "Dover Beach." The lines should read thus: "the grating roar / Of pebbles which the waves *draw back*, and fling" (emphasis added), and not "suck back," a rather unlikely alternative.

Working with Clay

Like the imprint
of my two thumbs in clay,
so you appear, my Lord,
by what you leave behind.

Disguised
in the tracery of fingerprint,
the whorls a world
of delicate, true lines,
you are revealed.

You mark me deeper still,
that imprint, too, indelible.
You say
you'd know me anywhere
by that mark—yours—
in me.

Those thumbprints
leave a trail,
like deer tracks in wet earth,
(What passed this way?)
delicate,
four-hooved, aloof,
shy of being named.

Or
like a mussel shell
pried open,
broken, free,
its heart revealed.
I am revealed, O Lord,
within your hand,
your mark in me.

Stephanie Weller Hanson

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FIRST THINGS
MARCH 1992

Christians, Jews, and Anti-Semitism

Call it a public service. When *National Review* devoted almost an entire issue to William F. Buckley's "In Search of Anti-Semitism," an unsettled and unsettling set of questions was once again brought to the fore. That has to be done from time to time. One may be inclined to think that there is nothing new to be said about anti-Semitism, and there is something to that. Many Americans, Jews and Christians alike, are weary of the subject, and that, too, is understandable, in part. Nonetheless, unsettled and unsettling questions need a careful public airing on occasion, or else they fester in the shadowed corners of our culture, breeding resentments and suspicions that corrode our common life.

Mr. Buckley's reflections on contemporary anti-Semitism are excruciatingly careful, and his conclusions meticulously firm. Most news reports focused on his criticisms of Patrick Buchanan, media commentator and presidential candidate. That is not surprising in an election year. Buckley pays equal attention, however, to Joseph Sobran, former senior editor of *National Review,* James Freedman, the president of Dartmouth College, and novelist Gore Vidal, who vents his blatantly anti-Semitic fevers in the pages of the *Nation,* flagscow magazine of the left. Buckley's conclusions, in sum, are: Sobran is so "obsessed" with Jews and Israel that he cannot write on these subjects except in a manner that reasonable people could describe as anti-Semitic; Buchanan, while not an anti-Semite, has given frequent voice to sentiments that reasonable people must describe as anti-Semitic; Freedman, in his war against the conservative *Dartmouth Review,* is a demagogue who has shamelessly used the charge of anti-Semitism to enforce conformity to political correctness; and Vidal, well, when it comes to Gore Vidal Mr. Buckley is manifestly exercising heroic restraint. (He notes that Vidal complains that he has been lied about, that people have misrepresented his views. Buckley observes, "Anyone who lies about Mr. Vidal is doing him a kindness.")

Our purpose is not to review Mr. Buckley's essay, which readers can readily obtain for themselves. It is indeed a public service and will, in our judgment, deservedly become an important reference in a discussion that will not be settled any time soon. Our purpose, rather, is to inquire into some of the issues raised by the discussion of anti-Semitism. These are concerns that go to the heart of the *raison d'être* of this journal and its publisher, the Institute on Religion and Public Life. Ours is a determinedly Christian-Jewish enterprise.

That is so because our constituting purpose—to advance a religiously informed public philosophy for a society of freedom and virtue—requires a secure partnership between Christians and Jews. (There are many reasons—frequently discussed in these pages—why such a partnership is required. Suffice it for the present that we are convinced that it is so.) Even more important, ours is a Christian-Jewish enterprise because we believe that, in ways that elude our complete understanding, God has covenantally entangled Jews and Christians. That entanglement, and the imperatives that it entails, will, it seems, continue until the final consummation of messianic promise. Happily, the resulting partnership is not only a matter of duty but also of delight in a company of Christians and Jews joined by common resolve.

To say that ours is a Christian-Jewish enterprise does not mean that it is some hybrid "third way" called Christian-Jewish, distinct from the ways of Judaism and Christianity. As we understand it, the Christian-Jewish partnership requires that Jews be Jews and Christians be Christians. It is precisely as Jews that Jews are, at the most serious level, entangled with Christians, and vice versa. True pluralism, as we intend never to tire of saying, is not pretending that our differences make no difference. True pluralism is honestly engaging the differences that make a very great difference in this world, and perhaps in the next. In full awareness of the differences, we do believe that it is appropriate, indeed necessary, to speak of a Judeo-Christian tradition.

A common Judeo-Christian tradition is not a common faith. To be sure, Christian faith is inexplicable apart from Judaism, and a growing number of Jewish thinkers are convinced that Jewish self-

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understanding must encompass an understanding of Christianity in the divinely ordered scheme of history. It is at this level of discerning God's intention that Jews and Christians are most inescapably and intensively entangled with one another. Neither among Christians nor among Jews is there any settled consensus about the nature and outcome of that entanglement. The joint exploration of these questions is still a relatively new thing, and the future of this new thing rests almost entirely with Jews and Christians in America. That is why the Jewish-Christian dialogue, as it is called, comes in for regular attention in this journal.

When we speak of the Judeo-Christian tradition, however, the reference is usually to matters moral rather than theological, although the two are not easily separable. Christians embrace the "moral law" (as in, for instance, the Ten Commandments) revealed by the God of Abraham, who is also the One whom Jesus called Father. Jew and Christian alike can affirm that this moral law is consonant with morality constructed on the basis of natural law, general revelation, or even studiously "secular" reasoning. While similar moral conclusions can be reached by taking different routes, most Americans (more than 90 percent) claim to reach their moral conclusions by a route that they identify as religious. Of course there is no numerical balance between the Judeo and the Christian, since only a little over 2 percent of Americans identify themselves as Jews. Moreover, the imbalance is accentuated by the fact that 60 percent of Jews do not belong or contribute to any Jewish organizations, religious or otherwise, whereas well over 60 percent of non-Jews are church members.

These factors further underscore the importance of affirming a Judeo-Christian tradition. The phrase reminds Christians of their dependence upon Judaism and the respect they owe its living representatives. It reminds Jews of the religious foundations of their security in an overwhelmingly non-Jewish society, and of the need to cultivate moral commonalities. Regrettably and dangerously, many Jews believe that their safety in this society is secured exclusively by positive law and secular reason, even when these are posited against the moral sensibilities of the Christian majority. Equally regrettable and dangerous, many Christians believe that this is a "Christian nation" in which the presence of Jews can be dismissed as an anomaly or, when it cannot be so easily dismissed, is resented as an intrusion. Against both errors, it is important to insist that our public moral order rests upon a Judeo-Christian tradition.

Those who care about that tradition must give sustained attention to the evil of anti-Semitism. Some Christians immediately respond that too much attention is already given anti-Semitism. What, they ask, about Jewish anti-Christianism? There is no denying that some Jews give every appearance of being anti-Christian, or at least of wanting to expunge every evidence of Christianity from our public life. The propensities of the dominantly Jewish leadership of the American Civil Liberties Union come immediately to mind. At the same time, a growing number of Jewish thinkers are arguing, not least of all in the pages of this journal, that the posture of groups such as the ACLU is misguided, dangerous, and just plain dumb. In any event—given the numerical imbalance between Jews and Christians in this society, and given the still recent horrors experienced by Jews in other societies where the majority claimed to be Christian—it should not be necessary to persuade Christians that there is not a moral or consequential equivalence between anti-Semitism and anti-Christianism.

As aforesaid, the question of anti-Semitism must be revisited from time to time. It is a salutary exercise for Christians and Jews to better understand one of the more loathsome diseases of the modern era. In addition, the forms and motor forces of anti-Semitism are not stable but assume at times new configurations. Ours is such a time, as we shall see. Admittedly, it is frustratingly difficult to define anti-Semitism, and the very term has been recklessly debased by its facile use in order to silence critics (see the reference above to Freedman of Dartmouth). It is not anti-Semitism if one, all in all, does not like Jews very much, just as there is no moral culpability if, all in all, one has a dislike for Italians. To eliminate from human society generalized distastes and preferences—including those that engage ethnicity, religion, nation, language, and race—is neither possible nor desirable, although there is a style of liberalism that erroneously insists that it is both.

A person who, all in all, does not like Jews raises a reasonable suspicion of anti-Semitism if he makes a public point of it. (If some of his best friends are Jews, it counts in his favor, although it may simply indicate that he is confused about his prejudices.) And if he makes a public point of it in a way that suggests that Jews are a public problem and that something should be done about them, he is almost demanding that he be viewed as an anti-Semite. After innumerable unsuccessful tries by others, we do not entertain the conceit that we will come up with a definition of anti-Semitism that will meet with universal agreement. But, for what it is worth, we propose this: An anti-Semite is someone who declares that certain vices and character flaws are specifically Jewish, and who would deny to Jews rights and privileges readily accorded to others.

It is always appropriate to ask whether anti-Semitism so defined is on the rise in our society. If we consult the polls and other survey research data, the answer is that anti-Semitism has steadily and dramatically declined. In the modern era, and perhaps in all of history, Jews have never been so secure as they are at present in the United States of America. (They are certainly not so secure in the Middle East.)

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And yet Mr. Buckley opines that the likes of Pat Buchanan and Gore Vidal would have been more severely and generally censured for their anti-Semitic delinquencies, say, ten years ago. He may well be right.

This does not necessarily indicate an increase of anti-Semitism. Recent years have witnessed a general assault upon, and consequent weakening of, societal taboos. There was no reason to expect that the taboo against anti-Semitism, backed by the now-fading memory of the Holocaust, would be spared. The defiance of taboos is deemed to be liberating, and a certain cachet of daring is attached to the speaking of the unspeakable. Liberation and liberalism are related more than phonetically, which is one reason why anti-Semitism is increasingly more evident on the left rather than the right. While the public expression of anti-Semitism need not indicate an increase of anti-Semitism, it could, if it goes unchecked, create a climate conducive to such an increase. It must not, therefore, go unchecked.

Restoring the taboo against anti-Semitism is made more difficult precisely because Jews are so very much part of American life. Most Americans—and it is well to remember that most Americans have no more than a passing acquaintance with any Jews—are puzzled by the suggestion that Jews are to be viewed as somehow endangered. For the next generation—if not for young people today—Auschwitz will be invoked with all the historical resonance of Appomattox. In short, Jews less and less possess that moral attribute so treasured in our culture, victim status. On the contrary, they are viewed as a particularly prominent part of "the establishment" that it is the duty of the right-minded, meaning the left-minded, to excoriate. Nobody advocates quotas or affirmative action for Jews, unless it be to limit their access to positions of influence. Although they are only a little more than 2 percent of the population, Jews are no longer a certified "minority."

Inveterate anti-Semites have long treated the disproportionate influence of Jews—especially in the academy, journalism, and entertainment—as a dirty little secret to which it is their duty to alert an unsuspecting public. The assumption is that numerically disproportionate means inordinate, as in excessive and dangerously out of control. It is self-defeating and simply silly to pretend that Jews are not disproportionately represented in many sectors of societal leadership. One may attribute this to various factors: superior intelligence and energy, habits of diligence and enterprise, or maybe having something to do with being chosen by God. Anti-Semites attribute it to a Jewish conspiracy. Their claims to the contrary, anti-Semites are not distinguished by their candor in recognizing the influence of Jews. Their deplorable distinction is in the reason they give to explain that influence, and the consequent threat they perceive in it.

The disproportionate influence of Jews is not without problems. The chief problem is that most Jews are not very Jewish. Or, as a number of Jewish observers have put it, those Jews who are Jewish are interested in Jewishness but not in Judaism. In other words, they affirm Jewishness as ethnicity or folkway but have no use for Judaism as religion. One result is that Jews tend to have a disproportionate and, yes, inordinate secularizing influence in our culture. In addition, some religious Jews join the secularists in subscribing to the doctrine that the more secular the culture is the safer it will be for Jews. Not surprisingly, this leads—as in the instances of the ACLU and the American Jewish Congress—to an extremist notion of the separation of church and state that is tantamount to the separation of religion from public life.

As becomes increasingly obvious, that notion is not democratically sustainable. And a good thing, too, for a public square that is devoid of religiously grounded imperatives and inhibitions is a very dangerous place for a very small and very prominent population that is very importantly different. The questions of secularization and the Judeo-Christian tradition have everything to do with the culture wars in which our society is embroiled. The conflict has produced tacit alliances on some public issues between, on the one hand, Orthodox Jews and Conservative Jews who are religiously conservative and, on the other, culturally assertive Christians, notably Roman Catholics and evangelicals. Especially encouraging is the renewed Christian urgency in reappropriating the Jewish shape of Christianity and the emergence of a new generation of Jewish intellectual leadership prepared to argue for a culture firmly secured by the Judeo-Christian tradition. (On the latter see the March 1991 First Things symposium, "Jews and American Public Life," soon to be expanded into a major book.)

And now we have come so far with nary a mention of the State of Israel. The anti-Semitism that occasioned the Buckley discussion that occasioned this discussion has everything to do with Israel. In the Christian-Jewish enterprise of which this journal is part, Israel matters and matters enormously. A few brief observations are in order. American support for Israel is coming under growing attack from isolationists on both the left and the right of our political culture. The attack from the left, representing itself as anti-Zionism or pro-Palestinianism, is the more virulent. In the view from the left, Israel, which has won too many wars, has become the Goliath oppressing the Palestinian David, and, in addition, bears the onus of being backed by the necessarily oppressive power of the United States. Israel is depicted as a garrison state, it being conveniently forgotten that one rational response to being surrounded by declared enemies is to become a garrison state.

Other dynamics contribute to the enervating of American commitment to Israel. The idea of a

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Jewish homeland as a partial reparation for an unspeakable injustice ineluctably loses its force as the immediacy of the Holocaust recedes into the past. The end of the Cold War nullifies Israel's role as an ally in the contest against Communism. A greater awareness of the political culture of the Middle East makes less plausible the claim that Israel serves as the vanguard of democracy in that part of the world. These previously persuasive reasons for backing Israel will no longer work. Like it or not, the special relationship with Israel increasingly depends upon the strength of the Jewish-Christian entanglement we discussed at the beginning. The deluded ideologists of *Realpolitik* notwithstanding, the "hard" realities of American-Israel relations are ideas about chosenness, destiny, messianic promise, and a people that, however imperfectly, participates in the holiness of the land that Christians call holy.

To care about Jews and Judaism is to care about Israel. That is because to care about others is to participate in what they care about. That is because the communal, psychological, and spiritual consequences of the demise of Israel are too ghastly to contemplate. To care about Israel is to take care not only that Israel survive but that Israel flourish. Caring about Israel does not preclude disagreements about Israel. We may even disagree over whether the establishment of the state in 1948 was just or justly done, never mind divinely ordained. The infrangible fact is that it is there, adamantly, relentlessly, steadfastly there—and with it is invested a large part of the biblical mystery that is Judaism. We may certainly disagree over policies and actions of the Israeli government, not least its control and treatment of people it has conquered, albeit in a defensive war. And there is sure to be continuing disagreement over what the U.S. can or should do to secure a greater measure of peace in that region of the world.

But at the end of the day, when all the arguments have been made, those involved in the Christian-Jewish effort to restore moral sanity to a world manifestly going mad will be able to tell the difference between those who do and those who do not care whether Israel will survive and flourish. And from there it is not a long step to understanding who does and who does not care about Jews and Judaism. And that being determined, we will likely have a firmer fix on what is and what is not anti-Semitism in our time.

Opinion

Notes from Underground

Midge Decter

Contrary to popular American opinion, New Yorkers are by and large a gentle and long-suffering lot. Imagine having to stand in a long line to see a movie, to purchase the token needed for entrance to the subway platform, to buy a postage stamp, to get a morning container of coffee for consumption at one's desk, to make a bank deposit, to cross a bridge, to see an art exhibit, to get hold of a sandwich at lunch time. Imagine being crushed cheek-by-jowl in a bus or train each day, summer and winter, for, say, an hour's ride after a full day's work. Imagine being accosted on virtually every street corner by someone brandishing a paper cup rattling with coins and claiming to be hungry, or dying of AIDS (the latest and evidently most successful of beggars' ploys), or in need of a bed or a ticket "home." Or stopping in your car for a red light and being set upon by a strapping young man with sponge and bucket in hand, who all unbidden takes a soapy swipe at your windshield and then holds his hand out for a quarter.

This by no means exhausts the list of occasions for discomfort, distemper, and yes, fear. It seems not an exaggeration to suppose that for people elsewhere in the country—very much including those attracted to the idea that New Yorkers are somehow uniquely and characteristically aggressive—such conditions of everyday life might easily lead to riot, or at least to untoward public displays of anxiety and rage. Yet such do not in fact, except under certain special circumstances, occur in New York.

One further assault on the nervous systems of New Yorkers is that provided by what might be called the culture of the underground. On any given working day, the New York City Metropolitan Transit Authority estimates, some 3.3 million people ride the subways. Once inside the trains, they are confronted by a string of advertising posters affixed in rows above the windows along both sides of each subway car, to which the eye of the rider, sitting or standing, is naturally drawn.

Once upon a time this advertising space was devoted to calling one's attention to a variety of wares—clothing, foodstuffs, cosmetics, and other aids to comfort or amusement. There were also the postings, long since gone, of the results of a monthly competition for the title of "Miss Subways." Each new Miss Subways was selected—by what body of authorities one never knew—from among a pool of young women working at various kinds of jobs in the city. Her picture and a brief paragraph

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describing her work, hobbies, reading preferences, and ambitions would be on display for about thirty days: long enough to make her a figure of recognition to everyone, the honorary Sweet Young Thing of the riding community. Then she would be replaced by a successor. Such a city-sponsored competition, being an utterly unapologetic exercise in "looksism," would of course be out of the question in the age of feminism; but it would in any case nowadays be far too innocent-minded a distraction to find a place in the underground world of public communication.

For those who now wish to impress their messages upon the minds of the riding public, life has become a most knowing and sophisticated business. On any given day in any given subway car a traveler might see the following (culled, as it happens, from a single twenty-minute ride on a Monday morning) or an assortment exactly resembling it, on display in the advertising space:

—A photograph of an outspread hand, accompanied by text reading, "If your lesbian or gay partner is using one of these to hurt you, we have one to help you—New York Gay and Lesbian Anti-Violence Project."

—A photograph of a group of children in what looks like very early adolescence, crowded on both sides of a volleyball net and reaching for a diaphanous balloon-like object, accompanied by a text reading, "Condoms. Play with them but don't play around without them." (On the opposite side of the car, an identical placard carries the same message in Spanish.)

—Two separate placards, again, both in English and Spanish, reading "Pregnant? We can help—Lincoln Women's Services," and "Safe Abortions—All Women's Medical Pavilion."

—A drawing of a young girl who, at the behest of Planned Parenthood, confides, "My best friend Tanya, she thought she had VD. She was too embarrassed to tell her boyfriend or her mother. I'm real glad she told me, 'cause I knew who would help."

—A picture of a nursing bottle filled with whiskey, carrying the legend: "Having trouble weaning your little baby off the bottle?—Seafield Pines Hospital."

An organization called Lifenet seems to provide succor to the young, inviting phone calls "If adolescent problems are pushing you to the limit . . ." or if you find yourself in the position of the young girl who announces in a separate advertisement, "I couldn't believe my mother would actually lock me out of the house." Then there is an organization called ACI, represented in the same subway car by two placards with extremely graphic photographs suggesting that addicts "Call us when you are ready to get off your high horse" and/or ". . . ready to give up your pipe dreams."

But the *pièce de résistance* is a running comic strip—so far there have been two installments, also in both English and Spanish—telling the story of a young woman who will not have sex with her young man because he refuses to wear a condom. ("I love you, but not enough to die for you.") When last seen, her young man was in a state of shock and wonderment at the discovery that his buddy, to whom he has gone to complain about this state of affairs, uses condoms regularly. Can a happy resolution of the story be far behind?

Intermingled with all this are a number of announcements of quick out-patient cures for hernias, anal warts, bunions, hemorrhoids, and acne.

If memory serves, it was Goethe about whom the following anecdote is told. A forward-looking, enlightened friend of his—an early-nineteenth-century example of what would nowadays in the United States be called a "liberal"—wrote a book about his vision of the future and sent it along for comment. Goethe replied that this new society about which he had been reading sounded like a fine place, but if its logic were realized, one day the whole world would be nothing but one great hospital, and all the people in it attendants ministering to one another.

Attending nurses ministering to one another—that is what New Yorkers are commanded to be by the culture of their underground travels, and a goodly part of their common civic life above ground as well. In the world of publicly sponsored and paid-for compassion, life is a disease, or if you will, a string of diseases for which new cures are daily being proposed.

People who live in less congested places may be able for a time to cultivate the illusion that their civic life is less taken up with devotion to disease and the diseased—or taken up not at all. But abortion, AIDS, drugs—all the things that good liberals have declared to be diseases in order to hold no one but the public in general, and of course the government in particular, responsible for them—are stirring the consciousness of the entire country. What may set New Yorkers apart is the resigned shrug, or perhaps the deeply wise one, with which they seem to greet each new demand for, and promise of, public cure.

Indeed, because they stand in such long lines together, and so often feel one another's elbows, and step on one another's toes, they have come to know full well that the kids won't use condoms, the little girl with VD won't go to Planned Parenthood, and even the teenage pregnant black girl for whom they are advertising almost certainly won't show up at Lincoln Women's Services or All Women's Medical Pavilion.

It doesn't make New Yorkers pleasant, all this shrugging and all this enforced intimacy with strangers, but it does enable them to offer one another a little more forgiveness—or at least a deeper comprehension of human weakness and failure—than is to be found in the nice clean wards of Goethe's hospital.

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The Big Economic Lie

Michael Novak

There they go again. The presidential election of 1992 is bringing out among politicians and the media the Big Economic Lie. Virtually all editors today allow their reporters to broadcast this lie uncritically: "During the 1980s under Reaganomics the poor and the middle class lost income." Any journalist determined not to fall for partisan tricks can falsify this claim from official government data on income and poverty.

For this Big Lie rests on one huge deception. It includes under "the eighties" three years of Jimmy Carter's economics: 1979, 1980, and 1981. Nineteen eighty-one was the year *before* the first Reagan tax cuts began to take effect, a year whose legislation was mainly Jimmy Carter's. Nineteen seventy-nine and 1980 were Carter's, every single day and without a doubt.

Senator Phil Gramm (R-Texas) has singled out three (among many) sources of the Big Lie. The House Ways and Means Committee Green Book (1991) prints a table showing that the average income of the poorest two-thirds of American families declined between 1979 and 1989. But this table includes the three years 1979, 1980, and 1981 (the Carter years), during which, indeed, there was a decline in income among these families of 8 percent. In the actual Reagan era, 1982-1989, the same incomes *rose* by 13 percent.

The Joint Economic Committee also wrote of "The Growing Income Gap in America" that "the lowest 40 percent of the distribution actually had lower incomes, on average, in 1989 than they did in 1979." Here again, the Democratic staff attributes the Carter damage to Reagan.

Then the same Democratic staff had the gall last March to upbraid Senator Pete Domenici and Senator Gramm for beginning to count the Reagan years in January 1982, since this "ignores the hole that was dug in the first years of the Reagan-Bush era." (Senator Gramm wryly notes the plural "years.")

The truth is that the heaviest damage done to the poor and the middle class in postwar history was done during the Carter years. This damage was so great and so visible that Reagan's quip in the final debate of 1980—If you are better off tonight than you were in 1976, vote for *him*—was a challenge Reagan could not lose. Inflation had been running in double digits for two years (and would continue for a third, until Reaganomics could slam it to a halt). Under Carter, those on fixed incomes lost a third of the value of their money. Everyone got hit, bad.

Those were the years when the poor and middle class lost income. Senator Gramm uses government figures to show conclusively that during the two indisputable Carter years, 1979-1980, the average income of the bottom 40 percent fell by 7 percent in real terms; the income of the middle 20 percent fell by 6 percent; and the income of the top 40 percent fell by 5 percent. Under Carter economics, everybody lost.

The same government figures show that during the years for which Ronald Reagan was responsible, from January 1982 until December 31, 1988, the incomes of every single income group of Americans went up. Those of the bottom 40 percent grew in real terms by 8 percent; those in the middle 20 percent by 10 percent; and those of the top 40 percent by 17 percent.

In addition, the whole nation experienced the greatest economic boom in modern U.S. history. The number of employed civilians grew from 99 million in 1980 to 115 million in 1988. By 1989, adult employment reached 63 percent, the highest percentage in U.S. history. Interest rates that in 1981 stood at 19 percent dropped to 9 percent by 1988. Inflation—under Carter 11 percent—was soon defeated. Total U.S. exports grew from $147 billion in 1980 to $226 billion in 1988. U.S. manufacturing output grew from $635 billion in 1982 to $854 billion in 1987. In addition, brilliant new technologies came on line, as venture capital became abundant and the mechanical age yielded to the electronic age: personal computers, word processors, laptops, fiber optics, cellular phones, fax machines. There has seldom been a more creative economic period in U.S. history. GNP grew from $3.17 trillion to $4.88 trillion.

Why aren't CBS, NBC, ABC, CNN, and PBS reporting the raw truth about the dramatic difference between the Carter years, 1979-1981, and the Reagan years, 1982-88? That this is not a partisan point is shown by the fact that ever since the policies of George Bush took effect in 1990 (allowing Reagan responsibility for 1989, as Carter bears it for 1981), the U.S. economy has again been going downhill. President Bush favors old money; his vision of economics belongs to the GOP School of Political Dentistry: "If it doesn't hurt, it isn't good for you." So we have higher taxes and more regulation. Bush abandoned Reaganomics. He brought the country stagnation and a sharp increase in poverty.

For the good of the country, the Big Lie has got to be stopped. Much as they will hate to do it, the editors of major newspapers and periodicals—who are the reference group of television journalists—must stop hiding the tragedies of 1979-1981 under the false banner of "Reaganomics." Not to do so is to forget the policies that caused the successes of 1982-1988 and to bring back the policies of 1979-1981.

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The RU-486 Icon

Peter J. Leithart

In A. S. Byatt's recent novel, *Possession*, the main character notes that the one unchallenged dogma of his generation is the Freudian belief that sex is the mainspring of human behavior. One need not be a Freudian, however, to observe that attitudes toward sex, and especially variant understandings of the relationship of sex and the social order, mark out one of the important boundary lines of our political and cultural landscape.

On one side of the divide are those who consider sex the most private and amoral of all human activities. Anything goes, so long as the idol *consent* reigns supreme. These same "privatizers" of sex also insist that the display of pornography is protected by the First Amendment. This seems paradoxical, but it is not. Privatizers of sex insist on their right to display sexual acts in public precisely because they believe that sex has no serious social effects. On the other side are those who recognize that sexuality is entwined in a web of social relations. Society therefore cannot remain indifferent to attacks on monogamy and sexual purity or to encouragement of sexual libertinism. From this perspective, pornography is seen as a threat to social order because it encourages immoral sexual conduct. Sex, in short, has consequences, and public consequences at that.

One of the most public consequences of sex is children. That the pleasures of sex threaten to produce offspring has always been the main stumbling block for privatizers of sex. If, however, the threat of conception can be eliminated, then the dream of consequence-free sex comes closer to realization, and, if threat of conception can be eliminated privately, the privatization of sex is complete. Thus, differing visions of the relationship of sex and society form one of the deep structures of the abortion debate.

This context helps to explain the euphoria that greeted RU-486, the much-publicized French abortion pill. Molly Yard positively gushes that the drug might be "the most significant medical advance in human history and the symbol of a brighter future for women everywhere." Paul Ehrlich piously murmurs that RU-486 is what "women everywhere have been hoping and praying for." The ever-humble inventor of the drug, Etienne-Emile Baulieu, has called it the "most important invention of the twentieth century" and commented on the drug's "mythic status."

According to *The Quick and the Dead* (Crossway), a recent book by George Grant, former Vice President of Coral Ridge Ministries, mythos is about all that RU-486 has in its favor. RU-486 is an icon for the privatizers of sex. One of the few undisputed claims is that the drug is an abortifacient, not a contraceptive. Unlike contraceptives, which prevent the union of a sperm with an egg, RU-486 prevents a fertilized egg's implantation in the uterine wall, and, when combined with prostaglandin, strips the uterus, induces labor, and expels the fertilized egg.

In nearly every other respect, however, RU-486 is controversial. Contrary to its promoters, the drug's safety is highly questionable. Grant cites a British study of 588 women who received the drug:

> Five of the women bled so much that they required transfusions. One hundred sixty-six of them needed narcotics to ease the pain. Some one hundred and fifty vomited, and another seventy-three suffered diarrhea. Thirty-five failed to abort and had to undergo a follow-up surgical procedure. And together they averaged more than twenty days of heavy bleeding afterwards.

As to its effectiveness, Grant makes this comparison: "One out of every twenty RU-486 abortions fails—whereas only one in two hundred surgical suction procedures need to be repeated." RU-486 does not even deliver on its promise of privatizing abortion. Assuming the drug works as it should, the full RU-486 treatment takes three weeks and includes several clinic visits. If there are complications, the woman may have to endure a surgical abortion at the end of weeks of drug-induced pain, vomiting, and bleeding.

The promoters of RU-486 suggest that the drug is a social as well as a medical panacea. If it becomes legal, the whole abortion struggle will simply evaporate. Women will have abortions in the comfort and privacy of their own homes. This line of argument not only assumes that the drug is effective, but also misses the most important question in the abortion conflict. Ultimately, the question is not whether RU-486 or similar drugs are safe and effective for the women who use them. The question is whether it is right to destroy innocent human lives.

For that reason, opponents of abortion must be ready to continue the struggle, no matter how efficient and privatized abortion becomes. Efficiency in killing, after all, is no virtue.

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Natural Law and the Constitution

Robert H. Bork

Natural law seems an unlikely topic for extensive television coverage, nor would one expect United States senators to develop high anxiety over the subject. Yet the confirmation hearings of Justice Clarence Thomas brought both of those improbable events to pass. Thomas and Senator Joseph Biden grappled repeatedly with the concept of natural law and its relation to constitutional law. The educational benefits, however, cannot be said to have been great, or even modest. Most commentators thought the subject remained "murky."

The sudden popularity of so arcane and elusive a topic was due to Thomas' past writing that justices could use natural law to alter the Constitution. It was hoped by some and feared by others that this meant he would vote to remake the Constitution in a conservative direction. Liberal professors and commentators at once feigned hysteria at the thought that a justice might invoke extra-constitutional principles. The anathema "out of the mainstream" was once more solemnly intoned. This, from people who pronounced Justices William Brennan and Thurgood Marshall "great" precisely because they repeatedly departed from any conceivable meaning of the historic Constitution, was a bit hard to take. Nevertheless, their hypocrisy aside, the liberals have a point.

Now that there is reason to hope for the imminent demise of left-liberal activism by the Supreme Court, we must ask what our real objection was to the era that seems to be passing. Did we think that the illegitimacy of the Court's performance lay in its liberalism or in its activism, its politics or its contempt for law? Having endured for half a century a Court that seized authority not confided to it to lay down as unalterable law a liberal social agenda nowhere to be found in the actual Constitution of the United States, conservatives must decide whether they want a Court that behaves in the same way but in the service of *their* agenda.

These thoughts are prompted by proposals that the Court should strike down, on the basis of natural law, statutes that contravene nothing in the Constitution. That idea is more popular with conservatives than I had supposed. There is a growing literature, but Hadley Arkes' recent book, *Beyond the Constitution* (Princeton), and articles by Russell Hittinger and William Bentley Ball* may provide a representative sample. All three take me to task for excluding natural law as a source of new principles in constitutional adjudication.

"Natural law." The words have an attractive, even a seductive, resonance. They refer to principles about ultimate right and wrong that transcend particular nations and cultures and are true for all people at all times. Most of us feel intuitively that natural law exists, though we differ both as to its source and its content. For some, it is ordained by God; for others, it arises from the nature of human beings, even if we are evolutionary accidents; or it may simply express the requirements for anything recognizable as a society. Whatever its source, natural law's content is discovered by reason.

In contrast, "cultural relativism," which Professor Arkes equates with legal positivism, holds that there are "no moral truths which hold their validity across cultures. . . . [So that statutes or constitutional provisions] have the standing of law only because they are 'posited' or set down by the authorities in any country." Arkes appears to think legal positivism implies cultural or moral relativism. But of course, on his own statement, that is not so. It is quite possible,

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* Hittinger, "Liberalism and the American Natural Law Tradition," 25 *Wake Forest Law Review* 429 (1990); Ball, "The Tempting of Robert Bork: What's a Constitution Without Natural Law?" *Crisis*, June 1990.

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indeed quite sensible, to think that there are moral truths but that statutes and constitutions have standing as law, law to be applied by judges and enforced by the police, only because the authorities have said so.

Given the general tendency to confuse the two, it is important to understand the limited sense in which natural law or moral philosophy is useful, indeed indispensable, to constitutional adjudication, and the larger, more free-hand sense in which it is pernicious.

Arkes is particularly valuable in his exploration of the limited use of philosophy as he discusses the moral principles that necessarily underlie many of the most important constitutional decisions. One wishes that more of our jurists would take to heart his demonstration that "the various clauses of the Constitution and the Bill of Rights can be established, in their meaning, only by attaching them to the properties of a moral argument. And when we do that, we find ourselves tracing these clauses back to the structure of moral understanding that must lie behind the text of the Constitution." The Constitution, in some of its most important provisions, is quite general, not meant to be taken in full literalness, and therefore dangerous in the hands of those who do not interpret such provisions in the light of the principles that underlie and animate them.

The point is easily illustrated. The First Amendment states that "Congress shall make no law . . . abridging the freedom of speech." The words sound absolute. As Justice Black was fond of saying, "no law means no law"; there are no exceptions. The Court has expanded "speech" to mean "expression" so that it would appear that government may inhibit no expressive conduct. This, of course, is nonsense, and not even Justice Black ever took such a position. When there was danger that speech might provoke violence, for example, Black would find that the speech could be suppressed on the ground that it was "brigaded" with action.

But if the First Amendment is not an absolute, how are judges to know which speech is protected and which is not? By discerning the principle that underlies the speech clause, Arkes responds, and that, of course, is far wiser than proceeding by slogans or verbal formulas applied mechanically. It is a needed admonition and one I agree with. In arguing that moral philosophy should not be used to place in the Constitution what is not already there, I have been careful to say that I did not "mean that moral philosophy is alien to law and must be shunned in adjudication, but I do mean that it is valuable only at the retail level and disastrous at the wholesale. Moral reasoning can make judges aware of complexities and of the likenesses and dissimilarities of situations, all of which is essential in applying the ratifiers' principles to new situations. . . . The role it has to play is assisting judges in the continuing task of deciding whether a new case is inside or outside an old principle."

That much is common ground, and it is to be wished that Professor Arkes had stopped with that claim and illustrated the folly of ignoring it more copiously. Had the Supreme Court thought in the terms he suggests, it seems likely, for example, that the flag-burning cases would have come out differently. Certainly, eight justices could not have concluded that the First Amendment was relevant to nude dancing in the Kitty Kat Lounge. If they had been forced by Arkes to articulate their principle, it would have been entertaining to read the explanation of what idea was being expressed by the young ladies in question.

It is Professor Arkes' larger claims for a natural law constitutional jurisprudence—claims advanced by Professor Hittinger and Mr. Ball as well—that, it seems to me, land the whole enterprise in trouble. Arkes contends that moral reasoning not only illuminates the proper reach of existing constitutional principles but may properly be employed by judges to create new constitutional principles. A natural law judge would make positive laws out of his own perception of universal moral principles. Those moral postulates would then become just as binding on the polity as the written law of the Constitution. That is where we legal positivists get off.

Arkes writes that his object is to restore the connection between morals and law that the Founders and our early jurists understood. This understanding has been destroyed, he believes, by the pestilence of legal positivism, the idea that right and wrong have no existence or meaning apart from the provisions of law. I am among those cited both as holding "an extravagant skepticism toward the very notions of moral truths and natural rights" and as "regard[ing] any appeal to 'natural rights'—any appeal beyond the text of the Constitution—as a pretext for evading the discipline of the Constitution." Well, no and yes, in that order. It seems impossible to live any sort of decent life without ideas about moral truth, just as it seems a corruption of the judge's function to confuse those ideas with the law to be applied.

Arkes praises the elder Justice Harlan for his dissent in *Plessy v. Ferguson*. The Court majority upheld state legislation requiring that blacks and whites occupy different railroad cars, so long as the physical facilities were equal. What elicits Arkes' approval is Harlan's suggestion that, the post-Civil War amendments aside, segregation could be condemned on the basis of the clauses in the original Constitution of 1787 guaranteeing the states a republican form of government and stating that the Constitution is the supreme law of the land. (It is dangerous to rely upon the insights of the elder Harlan. Holmes provided a tolerably accurate assessment when he said that he never troubled himself when that great man shied since Harlan's mind was a powerful vise, the jaws of which could not be gotten within two inches of each other.)

If there can be imported into the guarantee of a

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republican form of government a moral content to condemn segregation, it is difficult to understand why the same moral reasoning would not have enabled the pre-Civil War Court to end slavery. Here moral reasoning is used not to explicate provisions of the Constitution but to transform them. The difficulty is that the existence of slavery under state law was acknowledged by the original Constitution. The idea that the same Constitution could be used to end the institution is similar to the argument, favored by Justices Brennan and Marshall, that the death penalty violates the Constitution despite the fact that the document explicitly assumes that punishment's availability. It is difficult to justify a reading of the Constitution that denies what it says. Much the same problem arises when Arkes argues that certain principles of the Bill of Rights essential to the idea of law could have been applied to the states even though the Bill of Rights was clearly intended only to bind the federal government.

Hittinger assures us that "natural law reasoning is unavoidable" for three reasons. First, "the framers and ratifiers of the Bill of Rights intended at least some of the amendments to secure natural rights." Second, judicial review under the Constitution makes possible the entry of natural law theory into litigation. Third, "the Court has repeatedly vindicated individual rights on the basis of extra-textual appeals." The first reason merely requires the judge to discern what the framers and ratifiers meant, not to make up new rights the judge regards as "natural." The second and third are certainly true but do not justify the practice. If natural law reasoning is, in truth, unavoidable in constitutional adjudication, the reason is the temptation of men to use power not legitimately theirs when there is no effective method of resistance. To call what the Court has done, from *Dred Scott* to *Lochner* to *Roe*, "natural law reasoning" is to confer unwarranted dignity on a series of results resting on nothing more than assertion.

Professor Hittinger seems to think that natural law reasoning in deciding cases has safeguards: "Virtually no one holds that natural law can be a tool of legal interpretation completely independent of texts and history." But what is the relationship of natural law and history to the text when Chief Justice Taney could find in the due process clause a constitutional right to own slaves and Justice Blackmun, with the concurrence of six of his colleagues, found in the same clause a right to an abortion? Using a provision as a mere textual peg avoids all limits. Praising a series of justices, Hittinger says that they "did not mean by fundamental rights a blank check that could be filled in by judicial discretion." Perhaps the check was not entirely blank, but the justices did assert the discretion to fill in the names of the payor and payee and the amount. The only thing not blank was the name of the institution to which the claimant must come to cash in his fundamental right—the Supreme Court of the United States.

Ball also believes that judges may properly amend the Constitution with their version of natural law. Thus, the due process clauses of the Fifth and Fourteenth Amendments, which were intended to be guarantees of fair procedures, not of good statutes, should be employed to strike down laws that restrict a "liberty" the judges, and Mr. Ball, would rather not be restricted. There is little argument to support the legitimacy of that practice, other than a mention of some cases whose outcome Ball approves on moral grounds. There are, of course, a great many cases, beginning with *Dred Scott*, that use the same due process technique to reach results Ball abhors. On purely moral issues, judges are no more competent or trustworthy, as Justice Scalia observed in *Cruzan*, the Missouri "right to die" case, than "nine people picked at random from the Kansas City telephone directory." Moral approval of results, an approval that will never be unanimous and will frequently be a minority view, is not of itself sufficient to justify judges in overriding the moral choices of elected legislatures.

The first and most serious problem with natural law judging, therefore, is its dubious morality. To find a principle through the natural law reasoning of judges that makes the Constitution mean something other than, sometimes opposite to, what those who voted to make it law understood themselves to mean can hardly be sound moral argument. The only reason the Constitution exists, and hence that judges have any power to void democratic choices, is that the ratifiers could agree upon certain principles. Some of those principles (the allowance of slavery, for example) were undoubtedly base. Some (freedom of speech and religion) were undoubtedly noble. But whatever their moral status, they were what was agreed to and what persuaded men to vote for them. Had the ratifiers known what a natural law judge might do to their Constitution, the principles would not have been adopted to begin with. To change the principles of the document later, and to do so in the name of the same document, is a piece of trickery hardly worthy to be called moral reasoning.

Indeed, Arkes recognizes as much elsewhere in his argument, for he writes with approval: "During the First Congress, James Madison remarked that the natural right of human beings to be governed only with their consent was an 'absolute truth.' Lincoln would later insist, in the same vein, that this doctrine of self-government was 'absolutely and eternally right.'" Government by the Constitution that was voted into law is far closer to self-government than government by judges who find principles in the document that the voters never dreamed of and would not have ratified if they had.

One need not be skeptical about the existence of moral truths and natural rights to think that appeals,

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by judges, to natural rights, appeals beyond the text of the Constitution, are a pretext for evading the discipline of the Constitution. Of course, there are, as Arkes and Ball insist, moral truths beyond the Constitution and moral truths antecedent to the Constitution, or the Constitution would not exist or, if existing, would not be of significantly more interest than the law of decedents' estates.

The formulation and expression of moral truths as positive law is, in our system of government, a system based on consent, a task confided to the people and their elected representatives. The judge, when he judges, must be, it is his sworn duty to be, a legal positivist. When he acts as a citizen, he, like all other citizens, must not be a legal positivist, but must seek moral truth. Otherwise, there is no way for anybody to say what the law should be, what should be enacted and what repealed. Or, at least, there would be no way other than to express one's personal interests, which no one with a differing interest is likely to find in the least persuasive.

The point is made in Arkes' discussion of Lincoln's debate with Douglas about slavery. Lincoln argued that new states and territories ought not be allowed to adopt slavery because the institution was wrong. He destroyed Douglas' argument that the matter should be left to local choice. Indifference to what choice was made necessarily assumed that slavery was neither right nor wrong but only a matter of taste. That, of course, was nonsense if slavery was a moral wrong, as Lincoln, arguing from the principles of the Declaration of Independence, demonstrated that it was. But Lincoln never suggested that the Supreme Court end slavery. If he had, he would have been untrue to his own principles of self-government.

The amendment of the Constitution according to a judge's perception of moral truth is itself so obviously morally wrong that it seems almost superfluous to add that, in any event, Arkes and Ball would not get the results they want. Ball is quite unrealistic on the point: "But do I not thus argue for the kind of despotic judiciary which gave us *Roe v. Wade*? Indeed, not. The remedy for that is not to deprive the judiciary of its power to do right, but to install in it justices who espouse the moral principles of our tradition." This ignores the fact that, from *Dred Scott* to *Roe*, we have signally failed to do so. In any event, the proposal envisions confirmation hearings in which the nominee is required to pledge allegiance to a conservative agenda rather than a liberal one. To accomplish that we need only replace our present senators with senators of whom Mr. Ball approves. We may also have to replace part of the electorate. The prospect of "correct" natural law judging is a chimera.

Arkes seems to share Ball's optimism, since he assumes that good natural law will drive out the bad. He takes me to task for saying, "There may be a natural law, but we are not agreed upon what it is, and there is no such law that gives definite answers to a judge trying to decide a case." He responds, "The translation has become familiar: The mere presence of disagreement on matters of moral consequence is taken as proof for the claim that there are no moral truths (or 'natural law')." The passage bears no such construction. It is evident that people do disagree and, though there may be natural law, so long as we are unable to convince one another of its content, there will be no agreed-upon moral truths that will give judges definite answers. What we will get, as law binding upon us and impossible to change democratically, is the moral truth of a majority of nine justices. Mr. Arkes may be certain about some moral truths, but if he imagines that he can always persuade five out of nine justices to the same knowledge, he should reflect upon those occasions when, using moral reasoning, he attempted to persuade a faculty meeting of a point that ran counter to the professors' views. And no matter how long and cogently he argues, Arkes will never convince Justice Blackmun that abortion is not a natural right. This certainty that one possesses such truths and that they can be demonstrated to everyone's satisfaction reminds me of a brief encounter with Mortimer Adler. He had compared me unfavorably to Justice Blackmun on the ground that I was a legal positivist while Blackmun was a natural law judge. I asked Adler why he thought judges were entitled to enforce the natural law. He said, "It doesn't take long to learn."

Since I am tired of explaining to my wife that, contrary to Arkes and Hittinger, I am not a moral skeptic, I am grateful to Mr. Ball for understanding that I have merely been urging moral modesty on judges: "I hope there is no need to stress that Bork rejects neither God nor God's laws; he simply doesn't want earthly judges barging into God's act!" Precisely. When a judge barges into God's act, he is all too likely to confuse who has the leading role.

A final word should be said on the relation of judging under the Constitution to larger political or ideological issues. Arkes advances the surprising contention that "the cause of conservatism in politics has been attached to 'positivism' in the law, and that kind of marriage will be the undoing of political conservatism. For it will insure that, in jurisprudence, conservatism will be brittle and unworkable, and that on matters of moral consequence conservative jurisprudence will have nothing to say." I wish he had developed that argument further since, as it stands, I do not follow it. There is no apparent reason why the vitality of political conservatism depends upon abandoning a jurisprudence of legal positivism. Political conservatism can strive for conservative legislation and legal positivist judges will faithfully apply it, just as they would apply legislation embodying liberal principles. This is merely the recognition that, in our system of government, it is not judges

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but the people and their elected representatives who are to make major policy decisions.

There is nothing "brittle" or "unworkable" about that. Conservative jurisprudence, if that is what legal positivism is, will, on matters of moral consequence, say what the American people direct judges to say. The morality of the consequence will be the morality of those who made the Constitution law and those who agree to abide by that law today. Natural law, morality, is the stuff out of which legislation and constitutions are made. Positive law is the application of those legal documents to decide specific controversies in court. This division of labor between the judicial branch and the political branches is a major aspect of the separation of powers, and, far from being the undoing of political conservatism, it is the foundation of the Republic.

Ball makes a somewhat similar point, saying that "however praiseworthy we may find Bork's criticism of judicial liberalism, his criticism is basically not that of a conservative." In a way, that is quite true. A number of liberals agree with my view that the judge should be politically neutral. My view of law is conservative only if what is being conserved is the constitutional design of our government. But Ball means that criticism of law is not conservative unless it proceeds from a natural law perspective, and, in the process, he reads a great many people out of the camp of political conservatism. He approves Russell Kirk's dictum that there is no conservatism without natural law: "The 'first canon' of conservative thought is: 'belief in a transcendent order, or body of natural law, which rules society as well as conscience.' " Ball should be wary of that thought. Belief in a transcendent order could as easily, and as misleadingly, be described as the "first canon" of liberal thought. As Hittinger makes clear, much liberal jurisprudence that is unrelated to the Constitution can only be described as natural law. The dictum is also inaccurate for it arbitrarily disqualifies as conservatives people who accept and struggle to preserve every conservative value but who do not believe that such values derive from a transcendent order. It is entirely possible to think that we live in a meaningless universe, to be, if you will, a secular humanist, but also to believe, on essentially empirical grounds, that, given our culture and history, we will be healthier and happier if we live by conservative values. No useful purpose is served by denying that such friends are conservatives. We have few enough allies without thinning the ranks further.

The proper question in judging under the Constitution is not political conservatism or liberalism but the legitimacy of authority: who has the right to decide particular issues? I share many of the views that Arkes, Hittinger, and Ball express, but that does not make the imposition of those views by judges legitimate. Should these gentlemen persuade judges that natural law is their domain, the theorists will find that they have merely given judges rein to lay down their own moral and political predilections as the law of the Constitution. Once that happens, the moral reasoning of the rest of us is made irrelevant. FT

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Religion & the Court: A New Beginning?

Mary Ann Glendon

Mention the First Amendment to any lawyer, and the odds are excellent that he or she will assume you are talking about free speech. This habitual tendency to equate the First Amendment with speech goes beyond mere verbal shorthand. It is revealing of the preeminence that lawyers generally accord to speech on their "honor roll of superior rights." Constitutional law professor Laurence Tribe, for example, reflects the view of many in the profession when he describes freedom of speech in his widely used text as "the Constitution's most majestic guarantee." As for the American public, opinion studies consistently show that they too value free speech highly. But most American men and women still place the freedom of speech exactly where the framers of the Bill of Rights put it—very close to, but just behind, the free exercise of religion.

What is more interesting than the bare findings of such surveys, however, is the way the latest one was reported by the press. One leading newspaper chose to focus on the information that a majority of Americans (consistent with long-standing constitutional tradition) do not regard the Constitution's speech guarantee as absolutely unlimited. This paper's five-column headline announced: "Study Finds Americans Willing to Curtail Some Free Speech." One might think that the fact that most Americans interpret the Bill of Rights somewhat differently from the litigation wing of the ACLU is about as newsworthy as a report that the Pope has been seen at Mass. Yet the national press cannot quite get over it. Perhaps someday they will try a new angle on this old story. What, for example, would be the results of a poll among university professors, journalists, professionals of various sorts, entertainers, and other members of the knowledge class inquiring into how *they* rank constitutional values?

My guess is that the results of such a poll would closely resemble the hierarchy long implicit in the Supreme Court's decisions, and explicit in works by prominent constitutional law specialists. That is, we would probably find many who would agree with Professor Tribe, as well as many others who would prefer Justice Louis Brandeis' famous dictum that "the right most cherished by civilized man [is] the right to be let alone," otherwise known as the right to privacy. One can only surmise where the freedom of religion would rank on such a list. Would it be treated as of only marginal significance, as Professor Douglas Laycock found it was by the authors of all the leading constitutional law case books used in American law schools? Would it make the list at all? If not, could we expect to see excited headlines proclaiming, "New Study Finds Elites Willing to Dispense With Freedom of Religion"? Or, "Bill of Rights Would Not be Ratified Today by Academics"?

To avoid any misunderstandings, let me make plain that I do not raise the question of a possible discrepancy between elite and popular belief systems in order to suggest that legal elites are to be faulted when they fail to conform to majoritarian sentiment. They perform indispensable services for our society by doing precisely that. Nor do I wish to dwell on the extent to which many intellectuals seem to be lapsing from the independent-mindedness on which they pride themselves into a rather uncritical conformity to the dogmas of knowledge-class culture. The

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relevance of knowledge-class attitudes to my subject is simply that awareness of some of these attitudes helps one to understand how and why the Supreme Court's religion-clause case law has reached the state where it is described on all sides, and even by the judges themselves, as hopelessly confused, inconsistent, and incoherent.

As an aside, however, I would enter a note of skepticism concerning whether that body of law is really so incomprehensible as it is usually said to be. Admittedly, if what one is looking for is a reasoned elaboration of principles grounded in constitutional text or tradition, or if one expects to see a sustained collegial effort to discern the underlying purposes of the religion provisions and to interpret them in such a way as to promote those values, it is incoherent. Nevertheless, one can comprehend a good deal about court decisions by examining what judges do as well as what they say, and by comparing patterns of fact and outcomes in a line of related cases.

What I wish to suggest here is that one can also learn something about the underlying assumptions of the judges from their silences—what they treat as unimportant or what they choose not to mention at all. Viewed in this way, the Supreme Court's church-state jurisprudence is a museum of examples of a cognitive problem that is pervasive in our legal system. The problem is that, although we have a highly developed linguistic and conceptual apparatus for thinking about and dealing with individuals, market actors, and the state, we lack adequate concepts to enable us to take into consideration the social dimensions of human personhood, and the social environments that individual men, women, and children require in order to flourish. Sociologists often use the somewhat cumbersome expression "mediating structures" to refer to what I prefer to call communities, i.e., families, neighborhoods, religious groups, and other groups of memory and mutual aid. Psychologists like Urie Bronfenbrenner, who are more inclined to emphasize the role of these primary groups in fostering human development and socialization, speak of "human ecology." Political theorists, for their part, sometimes use the metaphor "seedbeds of virtue" to underscore the dependency of our design for government on the nurture and education of its citizens and leaders, and hence on the vitality of the sorts of institutions where character is formed and competence acquired.

It is curious that the field of modern American law has rushed headlong into interdisciplinary relationships with economics, but has been slow to avail itself of the resources and insights of the other bodies of social thought I have just mentioned. Legal academics seem to have a preference for what they call the "hard" social sciences, by which they mean forms of inquiry that assume away most of the irrational, messy, and unpredictable aspects of human behavior that are the subjects of examination by the so-called "soft" social sciences. Chaos science, perhaps, will change all this in a generation or two, but at the present time, American courts and legal commentators have difficulty in taking a holistic or ecological view of the relationship between legal and social phenomena. The individual-state-market framework, combined with the relentless present-mindedness that pervades our culture generally, makes it hard for legally trained individuals to take adequate account of any but the immediate implications of much of what they say and do. It is almost as though they had decided to set aside two troublesome elements that threaten to gum up our efforts to devise sensible rules, standards, principles, and policies for a complex, heterogeneous, modern state—the elements, namely, of "society" and "time."

Ironically, however, the peculiar excellence of the Anglo-American common law tradition over centuries, that which distinguished it from continental "legal science," was its rejection of simplifying abstractions, its close attention to facts and patterns of facts, and its insistence that in deciding particular cases judges must not only strive to do justice between the parties before them, but must do so with a view toward maintaining principled continuity with the past, and providing guidance for parties similarly situated in the future. It was this unique combination of common sense and modest (as distinguished from "grand") theory that enabled England and the United States to develop and maintain a legal order possessing the toughness to weather political and social upheavals yet the flexibility to adapt constructively and contribute to social change. When legal scholars distance themselves from those ways of thinking, they repudiate much of what is best in their professional tradition. They begin to resemble Thomas Reed Powell's famous caricature of the legal mind as "a mind that can think of something that is inextricably connected to something else without thinking of what it's connected to."

There is no great mystery about how American lawyers acquired the mental habits that prevent them from focusing on the social environments where the practices that sustain the democratic experiment are generated, shaped, and transmitted. For most of our history, there simply was no particular reason for statesmen and scholars to pay special attention to families, neighborhoods, religious groups, and other associations, or to the connections among them. These social networks were just there—in abundance, seemingly natural, like gravity, on whose continued existence we rely to keep us grounded, steady, and attached to our surroundings.

Certainly no one can blame the Founders for the fact that they took for granted the dense texture of eighteenth-century American society, with its family farms and businesses, its tight-knit communities, and its churches firmly woven into the social fabric. Nor

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would it be fair to say that the Founders underestimated the importance of the institutions whose durability they assumed. On the contrary, there is much evidence that they counted on families, custom, religion, and convention to help preserve and promote the habits and practices they believed to be required for the success of their experiment in ordered liberty. But it seems not to have occurred to our early leaders that there might come a time when the society's ability to produce virtuous citizens and statesmen would falter.

Things were quite different on the other side of the Atlantic where the French revolutionaries had deliberately set out to try to eliminate every intermediate body standing between citizen and state. In this bicentennial of their founding period, when we are all trying to think of nice things to say about the French Revolution (at least until 1993 rolls around), it is appropriate to note that a happy by-product of all that revolutionary fury directed against the family, the guilds, the Church, and the commune system of local government was to bring into being a great school of social and political thought whose leading figures were concerned with what might happen when and if society actually did lose its intermediate structures. Burke, Tocqueville, and later Durkheim understood that this could not happen overnight (as the revolutionaries had hoped), but that it could be the long-term consequence of several fateful choices that in themselves seemed benign. What would the world be like, they asked, if nothing stood between the free, self-determining individual and the mighty, sovereign state?

The body of social theory they produced affords a useful perspective from which to consider the United States Supreme Court's religion decisions. For with hindsight we can see that in the 1940s, when the Court decided to make the religion language of the First Amendment binding (via the Fourteenth Amendment) on the states, industrialization, urbanization, and our special American history of geographic mobility had already begun to take a certain toll on families and other social structures. Our social capital, so to speak, was diminishing a bit. But we had plenty of it, and anyway, not everyone feels strongly about preserving capital.

We should not fault Supreme Court justices of the 1940s for failing to consider that this country might have been consuming its social capital somewhat faster than it was being replenished. After all, the Court began to apply the religion clauses to the states just at a time when the World War II effort had given the country an extraordinary sense of national unity. The members of the Court had every reason to embark on the incorporation project with a sense of complacency about the crisscrossing networks of associations and relationships that constitute the warp and woof of a civil society.

When several of those justices went on to become pioneers in the judicial rights revolution that began in the 1950s, they continued to be somewhat cavalier about cultural foundations. In their zeal to protect certain preferred individual liberties, they seem in retrospect (like the French revolutionaries) to have given little thought to the structures that ultimately sustain a regime of rights. Where, one wonders, did they expect Americans to acquire that genuine respect for the dignity and worth of others that we now demand from our citizens to a higher degree than ever before? How were citizens of our increasingly diverse country supposed to internalize a sense of concern for fellow human beings in need that would be strong enough to support the expanded welfare activities of government? To pin so many of their hopes in this regard on the public schools, as some of the judges seem to have done, was seriously to underestimate the extent to which the public schools themselves depended, and still depend, on the support of, and interaction with, families and their surrounding communities.

What started out as mere judicial inattention to the role of religious groups in the American social ecosystem seems over time to have passed into a more studied indifference. Purely as a matter of judicial craftsmanship, it is striking in retrospect to observe how little intellectual curiosity was shown by most members of the Court in the challenge presented by the fact that the religion language of the First Amendment was made binding against the states at just the time when state and federal relations were undergoing momentous changes and the federal government was rapidly expanding its reach into towns and cities and local school districts. Transposing to this new context language that had been meant to apply only to the federal government posed an intriguing set of legal-political questions—real brain-teasers that should have called forth every ounce of energy, wit, technical skill, and imagination available to the Court. Yet in reading the decisions it is hard to escape the impression that—regardless of outcomes—serious issues were overlooked, important claims and arguments were rather lightly dismissed, and practical implications were regularly ignored.

The Court skipped right over formidable interpretive problems that required the kind of attention to language, history, and purposes that its members had lavished on many other parts of the Constitution: Are the establishment and free exercise provisions two separate "clauses" each with its own set of values, and somewhat in tension with one another? Or is there, as the historical record suggests, but one religion clause whose establishment and free exercise provisions serve one central value—the freedom of religion? Is free exercise an individual right, or does it also have associational and institutional aspects? Instead of grappling with these and other vitally important questions, Court majorities were content for a considerable period of time, in establishment cases, to use

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the metaphor of the "wall of separation" as a substitute for reasoned analysis. As for free exercise, it seems to have been left on the sidelines of the rights revolution. Indeed, free exercise in the broad sense took something of a battering in this period from Court majorities who gave a very expansive interpretation to the notion of "establishment" without pausing to consider the costs they might be inflicting on the associational aspects of free exercise.

From time to time, various justices have given us glimpses of the beliefs and assumptions about religion that undergirded their inclination to construe the establishment language in the First Amendment broadly: beliefs that religion is "inviolably private"; that it is an "individual experience"; and that a religion "worthy of the name" is the product of "choice." What is troubling about such presuppositions is that they leave out of consideration the free exercise interests of members of religions to which the idea of a worshipping community is central. In addition, as Michael Sandel has pointed out, they fail "to respect persons [who consider themselves] bound by duties they have not chosen," the men and women who experience religious commitment more as a kind of "yoke" or "encumbrance" than as the product of a shopping expedition in the marketplace of ideas.

In the 1970s, Court majorities eventually shifted away from trying to maintain a "high and impregnable wall of separation" in establishment cases. Nevertheless, the Court's generally expansive understanding of what it means to establish religion continued to hinder legislative and local experiments with creative use of mediating structures to deliver social services. Nowhere have the deleterious effects of an excessively narrow view of free exercise and an inflated concept of establishment been more apparent than in the cases involving schools. In a judicial pincer movement, one line of decisions requires the public schools to be rigorously secular, while another has struck down most forms of public assistance to parents who desire to protect their children from an educational system that is often actively promoting values that are profoundly at odds with the family's religious convictions. The net result has been that a crucial aspect of religious freedom can be exercised only by families wealthy enough to afford private education after paying taxes to support public schools. Nor is private education an entirely safe harbor from intrusive and homogenizing governmental regulation.

All these trends culminated in, and were symbolized by, *Aguilar v. Felton*, the 1985 case in which the Court struck down a Great Society program designed to provide federal aid to educationally deprived children from low-income families. Under the specific program involved in *Aguilar*, public school teachers in New York City furnished remedial services and instruction to poor children with special needs in the city's private schools as well as to public school students. Of the private school children who were helped by this program, 84 percent were in Catholic schools, and 8 percent were in Hebrew day schools. After nineteen years of successful operation, this program was attacked by six taxpayers as a violation of the establishment provision, and was struck down by a 5-4 majority of the Supreme Court on the grounds that it impermissibly entangled church and state. The fatal entanglement arose from a judge-made "Catch 22": The program had to be monitored by the school district in order to assure that the public school teachers did not become involved in advancing religion, but the process of monitoring was itself an impermissible form of state involvement with religion.

Justice O'Connor's dissent in *Aguilar* could serve as a general indictment of the approach to establishment issues that had prevailed on the Court since the 1940s. She chided Justice Brennan for his utter lack of interest in the facts of the case, for the abstract and perfunctory character of his analysis, for his failure to inquire into the practical operation of the program he struck down, and for his unconcern with the effects of the Court's decision on the lives and prospects of 20,000 poor special-needs children in New York City—not to mention children in similar programs in other parts of the country. She pointed out that the record showed not a single incident of religious "inculcation" by the public school teachers during the nineteen years that this large-scale program had been in operation. She noted, too, that this unblemished history was hardly surprising in view of another undisputed fact: three-quarters of the teachers in the program did not even have the same religious affiliation as the schools in which they taught. Nevertheless, as often in the past, a majority on the Court in *Aguilar* condemned a benign, carefully worked out legislative settlement by mechanically applying an abstract "test."

It seems fair to observe that until the composition of the Court began to change in the mid-1980s, the decisions interpreting the religion language of the First Amendment showed few signs of giving the difficult issues in the area the care and concentrated attention that they needed and deserved. Then, with the departure of Justice Powell from the Court, and his replacement by Justice Kennedy, a period of change seemed to be opening. But the Court soon veered alarmingly in the direction of yet another simplistic approach—this time reflexive deference to the elected branches of government.

The most serious problem with the deferential approach to the legislature and executive now emergent is that, if applied with the same rigidity as was the old strict separationism, it is highly threatening to free exercise concerns, especially where members of small, unpopular, or unconventional religions are involved. The Court's decisions in the Air Force yarmulke case, the prison worship case, and most recently the peyote discharge case are troubling

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in this respect. The problem is not so much the bare results in those cases—reasonable people differ over whether some or all of them are justified by strong governmental interests. It is, rather, the majority's reasoning (or, more precisely, its lack of reasoning) in its inclination mechanically to subordinate free exercise to reasons of state without examining the governmental interest asserted and without reckoning the burden to free exercise.

One might imagine that a flexible and principled, as opposed to a rigid and mechanical, deference to the elected branches would have certain advantages over its predecessors, at least in the establishment cases. Unlike rigorous separationism, it would not carry overtones of those attitudes Justice Goldberg once described as "a brooding and pervasive devotion to the secular and a passive, or even active, hostility to religion." Such an approach would be more sensitive to the significant regional variations that exist in this country, and more respectful of local democratic decision-making. It would be apt to facilitate utilization of mediating structures which, as Peter Berger and Richard John Neuhaus have argued, can often deliver social services more efficiently, more economically, and more humanely than the state. And it would be likely to promote an important form of free exercise if it were to facilitate support of parental choice in education. It is unfortunate, I believe, that so much attention and energy have been expended for and against prayer in public schools, when the real issue is the current state of the public schools themselves, and the growing sense of many parents that they are losing the struggle for the hearts and minds of their children.

The peyote case, *Employment Division v. Smith*, however, looks very much like a decisive step by a Court majority toward an excessively rigid posture of deference in free exercise cases. There, Justice Scalia, upholding the denial of unemployment benefits to Native Americans dismissed from their jobs for religiously inspired peyote use, wrote that "generally applicable religion-neutral laws that have the effect of burdening a particular religious practice need not be justified by a compelling governmental interest." Nevertheless, there is some basis for believing that *Smith* does not represent the Court's definitive adoption of a new approach. In the first place, Justice Scalia's opinion in *Smith* does not unambiguously purport to represent a comprehensive reordering of a body of law that took over forty years to become confused and unworkable. Furthermore, if one takes into consideration the views on religious freedom that have been expressed on various occasions by most of the individual justices who joined in the result in *Smith*, it is hard to believe that this one case represents their last word on a subject to which they have devoted so much thought in dissents and separate concurrences over the years. Keeping in mind that it took decades for the law in this area to achieve its present tangled state, it seems reasonable to expect a few fits and even false starts as the Court strives to work out a better way of dealing with the sensitive and important issues involved in these cases.

Prominent among the elements that one might expect to play a role in the process of developing a more principled and workable approach is Chief Justice Rehnquist's judicial statesmanship, his demonstrated interest in religion-clause history, his often-expressed solicitude for the role of religion as a mediating structure, and his view of federalism. Another is Justice White's longstanding call for a thorough reconsideration of the case law in this area—a process that has not yet taken place. Another is Justice Scalia's fidelity to constitutional text, a text that is no more neutral on the value of religion than it is on the value of free speech. Yet another factor is Justice Kennedy's constant alertness to the way in which purported "neutrality" can mask "hostility" to religion, a concern that in many cases cannot be alleviated without some scrutiny of the purpose and effects of laws that appear neutral on their face. A key role will undoubtedly be played by Justice O'Connor. Her willingness to listen, her careful attention to all points of view, her inclination to proceed cautiously case-by-case, her persistence in demanding justification, her attention to facts and practical consequences, all combine to bring the rich resources of the common law tradition to bear on problems to which the Court in the past has given short shrift. Justice Souter, for his part, shows every sign of being a judge in the common law mode exemplified by Justice O'Connor.

It is possible, some would say probable, that a Court majority will once again—without much deliberation—brush the religion clause aside while it pursues an unrelated constitutional agenda. *Smith* may, as many fear, be the decisive step toward a reflexive majoritarianism as simplistic in its way as was the old separationist anti-majoritarianism. But on the other hand it may be that in time *Smith* will come to be seen as explicable mainly in relation to a strong national policy for dealing with a severe social problem. That is, just as *Bob Jones* (where a university's religiously based ban on inter-racial dating cost it its tax exemption) is more of an anti-discrimination case than a religion-clause case, so *Smith* may turn out to be primarily a drug case—a detour, rather than a landmark, in First Amendment case law. No doubt it is just in such "hard" cases where the Supreme Court ought to stand tall for religious liberty. But unfortunately, it is just in such cases that the Supreme Court, being human, is apt to falter. But not every judicial slip must initiate a cycle of decline.

My reading of the post-1987 religion cases is that they show a closely divided Court earnestly beginning to struggle with the formidable interpretive difficulties of the Constitution's religion language. The path they

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are taking may be erratic, but this group of justices is, at least, taking the religion clause seriously. Whether they will unite on a workable approach for a pluralistic society, and whether they will restore religion to its rightful place as the first among freedoms, remains to be seen. FT

"Hotel Room" (Edward Hopper, 1931)

No angel with uplifted hand, no symbol
of the Holy Spirit, gliding down on
gilded beams—and for all we know the woman

is no virgin. Still, any woman reading
is an annunciation. Vermeer knew this:
reading is parthenogenetic, magic

doubling of the self fertilized by words.
His girl reading stands in profile but floats
full-faced—ghostly—in leaded window panes.

On a table, among rich draperies, lies
her half-eaten peach, dark seed ringed by flesh
radiant as the infant's in some nativity.

Hooper's woman sits, before turning back
the antiseptic sheets, nearly nude and bent
above her book. Her cell-like room argues

the world is a disease (sparse furnishings
the hues of bodily fluids, one wall shadowed
like a bruise.) And the light! the woman reads

in the glare of the examining room,
the operating room. But if you think
the room speaks of defeat (isn't it defeat

we find in narrow places?) consider whom
she resembles most: Mary clinging to her book
as she withholds her gaze from Gabriel.

Diane S. Bonds

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Coming to Terms with the East German Past

John P. Burgess

It has been more than two years since that fateful Thursday evening in East Berlin. At a press conference, Günter Schabowski, one of the Communist leaders in the new generation that came to power after Erich Honecker's removal, unexpectedly announced his government's intention to allow East Germans unrestricted travel to the West, beginning "immediately." His intention was never entirely clear. Some East Germans, however, took him at his word. Throughout the night, they gathered at the Wall. Their numbers steadily increased until harried and uncertain border guards began to let them across. The Wall had fallen. In the next weeks and months, events would continue to outrun themselves. The nation's first free elections sealed its fate: unification would quickly follow. The forty-year-old German Democratic Republic had come to an end.

Last summer, I traveled to East Berlin and East Germany, the culmination of a series of trips reaching over more than a decade. In 1979 I was a tourist paying my first visit. In 1984-1985, I had studied at an East Berlin seminary of the Evangelical Church, the country's major religious body, and in 1987 and 1989 I spent several weeks visiting friends made then, many of whom, in the meantime, had become pastors and members of church-related "alternative groups." They were helping to build the opposition movement that eventually challenged the Communist state. I had again visited the country the very week the Wall fell. And now, this time on a grant to research the contributions of the East German church to democratization, I would again be living at the seminary, many of whose instructors and graduates continue to play leading roles in shaping the future of East Germany.

During my visit, I would learn of the difficult challenges and adjustments that unification has brought. But I would be even more struck by the difficult legacy of the past. The 1989 revolution (what East Germans call "die Wende," i.e., the turning point) has begun to bring into the open what many would rather bury: complicity in the Communist past, connections with the state security forces, and failures of intellectual integrity and moral courage. The church, which played a significant role in supporting and steering the revolution, finds itself caught in a classic theological dilemma: love or justice. Coming to terms with the past seems to require both forgiveness and accountability, both forgetting and remembering. In practice, however, they easily become contradictions that defy resolution, both personally and socially.

The history of the seminary reflects the events of postwar Europe. Before World War II, students at Berlin's Kirchliche Hochschule (Church Seminary), a child of the German Confessing Church, used to live and take their first two years of classes—Hebrew, Greek, and Latin—at the Sprachenkonvikt ("language house"). With the division of the city, the Sprachenkonvikt found itself in the eastern sector; after the construction of the Wall, students could no longer go back and forth between it and the Kirchliche Hochschule. The Sprachenkonvikt soon became a full-fledged, five-year seminary, one of only three in all of East Germany. Under church control, it built a sharp contrast to the theological departments at the state universities: an island of intellectual freedom, maintaining a strong commitment to humanistic as well as theological education. Though the state refused to recognize it as an institution of higher learning (it

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had to keep its anachronistic name), it thrived, attracting not only future ministers, but others seeking an alternative to the ideological rigidity of the state universities.

With the fall of the Wall, the status of the Sprachenkonvikt has changed yet again. Berlin suddenly had too many schools of theology: two in the West—the Kirchliche Hochschule and the Department of Religion at the Free University; three in East Berlin: the Sprachenkonvikt, the theological department at the state-supported Humboldt University, and the Paulinum, which trains men and women coming to church work from other careers. Financial constraints have forced the Sprachenkonvikt to merge with the Humboldt University; within a few years, the Kirchliche Hochschule will join them.

Nonetheless, the Konvikt, as it is now known, continues to exist as a "theology house" with dormitory and study rooms. Typical of Old Berlin, it sits on a quiet courtyard, away from the busy street. On one side is the Golgotha Church, whose red bricks still bear the war's scars. Most days, students gather under the courtyard's solitary tree, smoking, chatting, waiting for the noon meal that they eat together.

The Konvikt lies near Oranienburger Tor, site of one of the original city gates. As I arrived in Berlin, I could for the first time simply take the subway from West to East—no guards, no customs, no mandatory exchange of money. The "ghost" underground stations that the train had once passed—Stadion der Weltjugend, Nordbahnhof, Oranienburger Tor—have become regular stops again.

As I reacquainted myself with the neighborhood, I noticed that Trabants had already become an endangered species. A number had simply been abandoned on the street, stripped to their thin plastic and metal shells. In nearby Tucholsky Strasse, the heart of the former Jewish quarter, one had been converted into a giant flower pot. After unification, many East Germans made a Western automobile their first major purchase. For a time, used Golfs and Opels and Fords became scarce commodities, increasing in value by two or three times their pre-unification level.

Friedrichstrasse and Invalidenstrasse, major streets near the Konvikt, had once dead-ended in the Wall. Now they are busy thoroughfares between East and West. During my visit, they hinted a cautious but confident blooming of color: neon lights, store signs, window displays. Even billboards advertising cigarettes celebrated the spirit of unification—"Lux verbindet" ("Lux unites") showed friends enjoying each other's company; Peter Stuyvesant proclaimed (in English): "Come together," with people of different races, cultures, and styles offering each other cigarettes.

In the next weeks, I would find some East Germans, by contrast, describing the new economic realities as "nineteenth-century industrialism." They are surely mistaken. Unification has resulted in mass displacement of workers, but East Germans now share in all the benefits of the West German welfare state. While East Germany has been slow in attracting Western investment, the standard of living, always the highest in the East Bloc, has already benefited noticeably from unification. People may complain about economic hardship, but they have money to holiday in Spain and France. East Germany is no Romania.

But "nineteenth-century industrialism" does reflect some people's sense that East Germany is wide open for economic speculation and exploitation. The advent of capitalism has included all the "trash and sleaze" against which the Communists, in their yearly celebrations of the Wall, once warned. Forty years of public prudery has apparently created a tremendous market for pornography. One of the widest-selling daily newspapers in East Berlin regularly features bare-breasted women on its front page. Sex shops have quickly established themselves, as have the street walkers who, as before the war, work Oranienburger Strasse, another street in the old Jewish quarter.

Everyone talks about crime. East Berlin, like West Berlin, is still quite safe in comparison to most American cities. But there is a burgeoning business in security locks and systems. Women who once thought nothing of walking home alone at night have in the meantime become cautious and angry. In some cases, the police themselves have become insecure, afraid to assert themselves, in case the public once again perceive them as "authoritarian" and "insensitive." While visiting Görlitz, a small city in the southeastern corner of the country, I heard of an incident in which several rowdies had threatened to attack a group of children from Chernobyl. Only after massive public outcry did the police agree to an investigation.

One weekend, I visited Siegfried Kasparick, an old seminary friend, in Osterburg, a town of 8,000, about a hundred miles west of Berlin. Communism had never found a very strong foothold in this area of beautiful fields and forests near the Elbe River. The people pride themselves on their independent judgment and common sense. But Kasparick, now pastor in Osterburg, told me how the entire town had fallen victim to a pyramid game that promised quick wealth in exchange for minimal investment. The city council finally had to hold a public forum to deal with people's growing anger and resentment at not receiving their money.

In the wake of a rash of robberies, many East German churches are no longer open to the public. Even cemeteries have not been spared. Near the Konvikt lies the Invalidenfriedhof, a famous old military cemetery. The Wall once ran right through it, making it largely inaccessible to the public. It has suffered not only from forty years of Communist neglect, but also from a recent wave of "capitalist" souvenir hunters intent on grabbing whatever they can while they can.

Collectors and speculators of all kinds have found that there is much money to make among people who

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do not yet fully understand a market economy—and who up to now had few ways to get "hard currency." Moreover, monetary union has brought a slow, painful process of salary and price adjustments. No one is quite sure how much money he has or needs.

Over the past two years, East Germans have experienced incredible change. Many are exhausted. They have ridden an emotional roller coaster of hope and depression. First came the emigration "mania" that took tens of thousands of East Germans to the West by way of Hungary, and later Czechoslovakia, even before the Wall fell. Those who remained felt abandoned and saddened. Then, as if in response, came the mass demonstrations that eventually toppled the government. People suddenly felt elated and empowered. They proudly declared that they had achieved the first successful democratic revolution in German history. But days of disagreement and confusion soon followed. Some people wanted an independent East Germany that would embody a "democratic socialism," while others called for quick unification with the West. The weekly Monday demonstrations sometimes deteriorated into shouting matches between different groups with different political agendas.

In the end, unification won out—and more quickly than even its most vocal advocates had ever anticipated. It has brought stability but also left many East Germans unsure of how well they will survive in the free market. It is not so much a question of material but emotional and psychological well-being, of self-confidence and identity. East Germans have always compared themselves to West Germans; with unification, they still feel like poorer cousins, unsure if they have any positive, significant contribution to make to a new Germany. The Trabant is cute, but it is no car for the future.

Under these circumstances, people also have a hard time thinking about the social-political reality that they have just recently left behind. Yet if studying history makes any sense, East Germans will eventually want to learn from their own. While unification has brought more than enough challenges and adjustments to occupy them for the time being, difficult questions about the past will continue to haunt the East German psyche as a whole, just as the Nazi past continues to haunt the German psyche. Indeed, coming to terms with the Communist past may be the most critical challenge before all the fledgling democracies in Eastern Europe. Social and political renewal seems to depend on open, honest confession of the crimes and mistakes of the past. Yet this very effort threatens to pit individuals and groups against one another in settling old scores.

Some of the questions are already clear. How was Communism possible? How did it once establish itself as a seemingly unalterable fact, only to crumble so quickly in the end? How could people have lived in fear of it so long? How could they have failed to resist it sooner?

The attempt to find answers has, as one might expect, a one-word German equivalent: *Vergangenheitsbewältigung*, literally, "mastery of the past." This word, more than any other, is presently unleashing vigorous public discussion in East Germany. The debate is perhaps fiercest in the Evangelical Church. Church leaders have been at the forefront of the nation's conscience, calling people to examine their own complicity in the Communist past. But the church itself is also deeply divided over the best way to come to terms with its own past.

Some East Bloc intellectuals would argue that everyone shares complicity in the Communist past. In *The Power of the Powerless*, Vaclav Havel, while still a dissident in the country that he has since come to head, suggested that the seductions of a modern, consumerist society made Communism possible. When people have no sense of responsibility to a larger, transcendent reality, when they live only for themselves and their material well-being, they lead "demoralized" lives. They are prey to dictatorships that promise to fulfill their needs through rational, scientific-technological organization.

The theme of an underlying spiritual, intellectual, and moral malaise has also characterized the social-political analyses of those East German theologians most committed to democratization. A book receiving considerable attention during my stay was Hans-Joachim Maaz's *Der Gefühlsstau* (roughly translated, *Jammed-Up Feelings*). Maaz, an East German psychotherapist who has worked in a church-run psychiatric center and treated pastors, argues that the entire nation has internalized repressive, authoritarian social structures. Even after the fall of the Wall, only an "inner democratization" and "psychic revolution" can fully free people.

I spent one afternoon asking Richard Schröder, the Konvikt's professor of philosophy, his view of the Communist past. Schröder told me that Communism could thrive only in a society in which people had relinquished their capacity for "critical thinking." He pointed to the impoverished status of philosophy under Communism. In East Germany, nearly every professional philosopher was trained and paid by the state. There was no independent study of "philosophy," only the ideologically defined discipline called "Marxist-Leninist philosophy." To the end, censorship of philosophical publications remained tightly regulated, in contrast to some of the leeway offered novelists and poets.

Schröder, originally trained as a pastor in the Evangelical Church, had to educate himself when the church asked him to teach philosophy. Like others, he found in the church a "free space" for his work. At the seminary, he could teach essentially what he wanted: the philosophical tradition, with its great questions of meaning and morality. To him, it is no

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accident that the Konvikt produced a disproportionate number of the leaders in the opposition movement and new political order. Schröder himself won a reputation for critical, independent thinking and found a brief but significant career in politics after the Wall fell, serving in the East German parliament as head of the Social Democratic faction.

A balding man with large, strong hands (like many East Germans, he had taught himself various mechanical and technical skills because professionals were always in short supply), Schröder told me that the present situation is not unlike that at the end of World War II. Fascism and Communism were clearly different phenomena. Hitler had enthusiastic support; the East German Communist party lacked any charisma. Yet, in both cases, a kind of mass amnesia fell over the land. After the war, one could find no Nazis. Today, few admit to having believed even a small part of the Communist dream; even fewer can speak self-critically about the past.

The problem, Schröder would keep telling me, is that no state survives without a broad, public consensus. Yet, most East Germans do not want to talk about the ways in which they implicitly or explicitly supported the Communist state.

I found that this unwillingness, perhaps even inability, to discuss and analyze the past took two forms. The first was what several East German friends called *Sprachlosigkeit*, literally, "speechlessness." Many people simply did not question their past involvements in state-sponsored organizations and activities. They did not ask themselves if they had done the right thing by participating, for example, in the *Jugendweihe* (the Communist youth dedication ceremony that had effectively replaced confirmation as a rite of passage). They did not examine the ways in which they had once lived in fear of the state and practiced forms of self-censorship that restricted them perhaps more than the state itself. They did not speak of the meaningless elections in which they had contributed to 99.99 percent majorities, or of the May Day gatherings in which they unenthusiastically but faithfully repeated the slogans of worker solidarity and international Communism.

This *Sprachlosigkeit* even extended to their former fears of, and encounters with, the state security forces (the Staatssicherheitsdienst, the so-called "Stasi"). Nearly every East German had once experienced the Stasi as a force of mythic proportions, capable of knowing and controlling everyone and everything. For many years, it had successfully permeated people's spirits to the point of paralyzing their desire for change. Not surprisingly, the self-organized, mass demonstrations that helped people overcome this paralysis finally led them to the Stasi buildings themselves—at first just to march by them quietly and cautiously, later to enter and occupy them. Yet few people today are able to analyze the ways in which the Stasi actually worked or to make sense of their own irrational fears of it. Even the novelists and poets, once the ones who dared to say a little more than the state normally allowed, have grown quiet, seemingly disillusioned and disoriented, and few of those people who actually suffered Stasi harassment and imprisonment have come forward to demand rehabilitation and restitution.

One result of *Sprachlosigkeit* has been that West Germans, who never had any experience of the Stasi, have assumed the rather arrogant and ludicrous posture of trying to tell East Germans what to think about it. Because so few other East Germans are addressing the issue, Schröder has found himself writing and speaking about his own encounters with the Stasi, and in a recent interview with *Der Spiegel* he called on the West German media, instead of spreading myths and inaccuracies, to consider what East Germans could teach them.

The second way in which I found East Germans repressing the past was by scapegoating others. A whole people had been duped. Now it vented its ire against the Politburo, or the party, or the Stasi. Perhaps the most pathetic expression of this attitude were the persistent calls to arrest and try Erich Honecker, the old, dying East German leader whose picture once graced every government building and post office. (First taken to safety in Moscow, he has since had to turn to the Chileans for asylum.) The media in both Germanies make headlines with exposés of the crimes of the once privileged and powerful; unfortunately, they offer little insight into the larger problem: the "demoralization" that infected an entire people.

The revolution gave people a voice. They demanded to be treated as responsible, mature citizens. Yet they also sought recourse in the kind of self-righteous anger against their former leaders that provided a convenient diversion from the problem of their own complicity in the Communist past.

The church has sought to counter this *Sprachlosigkeit* and scapegoating. I spent one afternoon with Ehrhart Neubert, an East Berlin pastor who had helped found Demokratischer Aufbruch (Democratic Awakening), one of the first opposition groups to go public in 1989. Neubert, a sociologist of religion, has written extensively on the religious character of the alternative groups that began to appear in the church in the early 1980s. While these groups did not practice a traditional religious piety, the church offered them a space in which they could meet freely and speak openly. Though sometimes subject to state surveillance and harassment, they managed to develop a critical potential that helped spark the revolution. Neubert believes that the church can now offer a similar "free space" for groups seeking reconciliation between the victimizers and victims of the past.

Neubert, a thin, wiry man in his mid-forties, has himself helped to form such a group in East Berlin's

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Bartholomäus Church, located in an area of high-rise apartment blocks not far from Alexanderplatz, the center of East Berlin. The congregation quietly posted signs and issued invitations. People who in forty years had never set foot in a church building suddenly appeared. Meeting monthly, the group resembles an AA-style support group. Participants enjoy a degree of confidentiality; they never identify themselves by name. Yet they have discovered a level of trust that enables them to speak quite openly about their individual pasts. Former agents of the Stasi sit next to former members of alternative groups. The agents hear the pain of those whom they once harassed. The alternative group members come to know the agents as real flesh-and-blood people, not simply as a dark, evil force.

Such meetings have been repeated throughout East Germany, though on an extremely small scale. Siegfried Kasparick in Osterburg has been active in promoting local school reform. He recently helped organize a meeting between the town's high school teachers and some of their former students. It was an opportunity for the young people to express their anger at the rigid, ideological indoctrination that characterized so much of the East German educational system. Several teachers were visibly shaken; others offered apologies.

Many pastors throughout the country have also had the experience of people seeking to make confession to them and receive forgiveness. One pastor told me of a former party official who had come to him in tears. The anxieties, lies, and pressures that had ruled his life under the Communist regime had nearly destroyed him. With unification, he too wanted to make a new beginning. Another pastor, who had been active in the opposition movement, told me how he had discovered that the Stasi had once directed his mechanics to tamper with his automobile. Though they still could not bring themselves to speak about the incident, their attitude was clearly remorseful.

Yet the church itself suffers from *Sprachlosigkeit* and the temptation to scapegoat those of its leaders who had worked with the Communist authorities. Despite its significant role in the revolution, broad segments of the church had once helped support the Communist order. They too were part of that public consensus of which Schröder speaks. Schröder has argued that the slogan "church in socialism," which the church adopted to express its commitment to ministry in East Germany, too easily became its way of accepting the Communist state as an established fact. The church largely bracketed the question of the state's legitimacy, rejecting the atheistic element of official ideology but mostly failing to question whether the state had properly interpreted Marx and Lenin, or whether Marx and Lenin themselves had a true understanding of the human condition.

Those once most sympathetic to the East German version of the Communist dream also seem to suffer the most from *Sprachlosigkeit* today, as I discovered one afternoon with Jens Langer, professor of theology at the University of Rostock. I had first introduced myself to Langer in 1987; I was interested in his efforts to establish an institute for Christian-Marxist dialogue. I soon found, however, that he lacked a critical perspective; he focused only on the possibilities, not the problems, of cooperating with the state. When we met again this time, Langer was far less sanguine about his achievements. Indeed, he had little desire to talk about Christian-Marxist dialogue, much less weigh the ways in which it had been no real dialogue at all.

I had a similar incident with Paul Althausen, a prominent East German church leader, currently director of the Paulinum. In contrast to Langer, Althausen spoke openly and proudly about his past support of the state, as if incapable of critical self-examination. Althausen, who has had a distinguished career of service in various positions of the church bureaucracy, was a campus minister in the early 1950s, a time in which the state was cracking down hard on the church. Althausen himself was arrested, accused of working for the CIA, and sentenced to several months in prison. Interestingly, the experience brought him closer to the ideals of Communism. He became active in those circles of the church seeking cooperation with Marxists. For many years, he was deeply involved in the Christian Peace Conference, a Prague-based organization that received much of its funding from the Czech government and regularly attacked Western foreign policies, while completely failing to speak about human rights abuses in the East. Althausen did not finally leave the Christian Peace Conference until 1990 and even now has little desire to analyze his past. On the contrary, he speaks with pride of the contribution he and others made to helping East Germany win international diplomatic recognition in the 1970s. He feels no qualms about the privileges he enjoyed as a result, such as permission to travel to the West. To him, Communism represented a necessary social-political alternative to the West.

Given the charged public atmosphere of scapegoating, however, it is not surprising that people are reluctant to talk about their past. Some church leaders have argued that their first task is to create an atmosphere in which people will feel freer to examine themselves. They would ask those calling for "mastery of the past" to begin with themselves and to have patience with others, rather than making them lose face. But some pastors believe that people will only examine themselves if someone else first exposes and confronts them. Bringing the truth into light may actually free people to come to terms with a past they would rather repress.

This dilemma raises profound questions. Can people be forced to admit to their complicity in the past? If confession occurs under compulsion, can

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it be genuine? Will people freely own their past if left to themselves? When does confession belong in the public realm, when does it best remain private?

Nowhere do these questions assume more intensity and difficulty than in regard to the files left by the Stasi. In the months after the fall of the Wall, members of the opposition movement slowly became aware that the Stasi had begun to destroy documents. In Leipzig, Dresden, Rostock, and finally East Berlin itself, "citizens committees" decided to occupy and secure Stasi buildings. They believed that the Stasi past had to be preserved, analyzed, and understood.

Over the next weeks, the government, at that time composed of both Communist and opposition forces, debated what to do. Because the political situation appeared increasingly volatile, opposition leaders agreed to help destroy computer tapes that had complete directories and listings of information in the files. They sensed the power in their hands, and they feared it. They wanted to hinder the Stasi from manipulating individuals on whom it had collected information. They wanted to protect the public sphere from poisonous accusations, denunciations, mistrust, and intimidation. Moreover, they feared that the West German security police might attempt to steal information to blackmail individuals for its own purposes.

But the files themselves stretch to more than 180 kilometers. Some church leaders, such as East Berlin's Bishop Gottfried Forck, who had taken courageous stands against the Communist state, suggested that these files be sealed in concrete or destroyed. Others, such as members of Demokratie Jetzt (Democracy Now), another of the first opposition groups to go public, insisted that individuals had a right to examine their files.

To try to make sense of this debate, I spoke with David Gill, a young Konvikt student who helped occupy and secure the Stasi headquarters in East Berlin. When the new East German parliament, elected in March 1990, formed a committee to deal with the Stasi question, a member of the committee, a fellow Konvikt student, managed to get Gill appointed secretary. The chairman of the committee, Joachim Gauck, a pastor from Rostock, eventually became head of a government agency to organize, catalogue, and research the files. With unification, this agency—the so-called Gauck-Behörde (Gauck-authorities)—became accountable to the German Bundestag, and Gauck appointed Gill to manage the East Berlin branch.

In early 1990, Gill himself had believed in destroying the files. Unification, however, has brought a political stability that puts the matter in a different light. Now, argues Gill, it is possible, indeed essential, to use the files to help the nation come to terms with its past.

Several hundred thousand East Germans (no one knows the exact number) worked officially or unofficially for the Stasi. They spied and reported on millions of their fellow citizens. They violated the basic trust upon which a free and just society depends. Few broke the law—even fewer will ever come to trial—but their abuse of the public trust constitutes ground for denying them positions of leadership in a new democracy.

The law provides for public institutions to request information from the files. As part of the process of rebuilding themselves and regaining the public trust, city councils, local legislatures, public universities, and government agencies can request the assistance of the Gauck-Behörde. The essential criterion is whether or not one worked for the Stasi. All public officials must declare any Stasi connections. If they deny having them and the Gauck-authorities find evidence to the contrary, they can lose their position.

Thus far, however, the process has been slow and inefficient. The Gauck-authorities have been severely understaffed. Until recently, they had only several hundred employees to try to handle tens of thousands of requests. The delay in examining people's files has sometimes been a year or more. The time lag has encouraged people not to reveal their Stasi connections; many wait, hoping to slip through the cracks. Moreover, not all public institutions have chosen to examine their officials.

The church, too, has the right to have the Gauck-authorities examine the files of its pastors and leaders. Whether or not to do so has generated passionate debate. In East Berlin, the debate began with a simple request from the Konvikt. Faculty members voted to have their files examined. They were in fact fairly confident that none of them had Stasi connections. They were, however, anticipating the merger with the university and knew that they would eventually have to rebuild the reputation of its theological department, which over the years had largely accommodated itself to the state.

The Berlin-Brandenburg Synod, which oversees the Konvikt, refused their request, arguing that it would establish a precedent that the synod was not ready to honor. The synod has thus far resisted examining pastors, except in cases involving clear evidence. In an open letter to churches, Propst Furian, an official in the Berlin-Brandenburg church headquarters, asked members to consider the special character of the Christian community. Church members are "brothers and sisters." They begin from trust, not suspicion. A general examination could only undermine the church's life and witness.

I had an opportunity to discuss these matters with Ruth Misselwitz, an East Berlin pastor. I had first gotten to know Misselwitz through her husband, who had studied at the Konvikt at the same time as I. Both had been very active in the opposition movement and suffered considerable Stasi harassment. Ruth Misselwitz was now a member of the synodical commission charged with developing a position on the Stasi issue. I asked her how was it possible that some of those

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I asked her how was it possible that some of those who during the revolution had called for "living in truth" (to borrow Havel's phrase) now did not want to deal with the truth about the past. She told me that the commission had struggled to find a solution. Especially important had been conversations with former Stasi officials. Many of them, she said, had sought to do their job with integrity. They had seen themselves contributing to the good of society. With the rise of Gorbachev, they themselves had hoped for changes in East Germany. They had been the first to know that the old system was no longer working, and they had tried, to no avail, to encourage state leaders to institute change.

This process of "demythologizing" the Stasi also extended to the question of so-called "inoffizielle Mitarbeiter" (unofficial colleagues, i.e., informants). Through her work, Misselwitz had become aware of the psychological pressures that had been brought to bear on them. There were stories of the Stasi recruiting orphans and social misfits, offering them the acceptance, approval, and love they had never known elsewhere. For others, work with the Stasi represented a necessary concession. Perhaps a person had committed a political offense many years earlier. The Stasi agreed not to destroy his career if he would become an informant.

In any case, it appeared that many, if not all, the members of the Stasi, official and unofficial, were themselves "victims." Since they no longer posed a threat to society, the church could now celebrate the new beginning that the revolution represented and reach out with love and compassion to those who had gotten entangled in the Stasi web. The church's task was to find ways to show concern and offer care. Confronting people with their past would only put them in a defensive position, not free them to come to terms with it. Instead, the Synod had offered to work in confidentiality with any pastors who came forward of themselves.

Commission members were also concerned that the Stasi files were misleading. Agents and informants had sometimes been rewarded simply for producing information; its accuracy was not always established. Moreover, in the weeks between the fall of the Wall and the occupation of the Stasi buildings, the Stasi had had time not only to destroy but to falsify documents as well.

Schröder too helped make me aware of the complexity of the problem. Some church leaders had been regularly questioned by the Stasi; they might appear in the files, but that did not make them informants. Others had tried to make good use of their contacts with the Stasi, seeking to protect individuals against whom the Stasi had suspicions or to make the Stasi aware of public discontent with state policies.

Others, however, have found arguments against using the files unpersuasive. The Synod of Mecklenberg, in contrast to Berlin-Brandenburg, has voted to have its pastors examined. The rationale is that the church cannot rest on its laurels. It can keep the public trust that it won in the revolution only if it shows itself as ready as other public institutions to examine its complicity in the Communist past. Of all public figures, pastors in particular must be accountable to a higher standard. Waiting for informants to come forward of their own accord is like asking alcoholics to admit they have a problem: very few will ever do so, unless exposed and confronted.

I asked David Gill about the accuracy of the files. He argued that the Stasi, true to its reputation, had operated with great care and precision. The files themselves distinguish between rumor and fact. He felt confident, moreover, that little information had been lost. Documents often existed in several copies in several places; missing information could often be reconstructed from other sources. As to the question of falsification, Gill contended that the Stasi had not had time to destroy all the documents; it certainly had not bothered to change individual files.

Moreover, the files alone could help establish the degree to which an individual had actually cooperated with the Stasi. Undoubtedly there were cases of victimization. Undoubtedly there were also cases of pastors using their contacts to the church's benefit. To Gill, the most crucial question was whether or not a person had signed a statement pledging voluntary and secret participation.

Some pastors in Berlin-Brandenburg told me that church leaders had their own reasons for not wanting files examined: they did not want people to know just how much the Stasi had successfully infiltrated every layer of the church bureaucracy, especially in East Berlin. These church leaders also feared that a population tempted to scapegoat might not appreciate the complexity of the Stasi issue. The files of at least one top church leader, Manfred Stolpe, had disappeared, leading to speculation about the nature and extent of his involvement with the Stasi. Stolpe, now minister president of the State of Berlin-Brandenburg, is highly regarded both as a churchman and a politician. One could only speculate that he had established contact with the Stasi to negotiate issues that the party refused to discuss; if such information now became public, however, it might topple him from power.

To help me think through these issues, I visited Harald Wagner, a pastor whom I had first met in 1985. Wagner had a fascinating story. He had once been a top East German athlete, nearly Olympic quality. In the early 1980s, he became involved in a group that distributed banned political and philosophical literature. He was arrested and imprisoned for nearly a year. The state tried, as it often did with political prisoners, to shove him and his family off to the West. But Wagner and his wife, despite their bitter expe-

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riences and deep discouragement, insisted on staying in East Germany. Out of a deep sense of faith, they continued to commit themselves to seeking peaceful social and political change. Wagner had eventually come to play a leading role in the opposition movement, helping to lead public protests and found Demokratischer Aufbruch. Originally, he had supported a separate, "third" way for East Germany. When he saw that unification was inevitable, he withdrew from many political involvements and concentrated on his ministry in Holzhausen, a small town outside Leipzig.

Like many others in the church, Wagner has sought to respond to his experience of the Stasi with thoughtfulness, not revenge. Unlike some of his fellow pastors, however, he sees responsible use of the Stasi files as an essential component of corporate and personal renewal. Asking people to confront their past, says Wagner, can itself be an act of love. Justice and love need not contradict each other. The victimizer's act of remorse can meet the victim's act of forgiveness. Confrontation does not—in fact must not—exclude compassion.

But neither remorse nor forgiveness, I discovered, is certain. I think back to my visit with Langer. The university had just forced the director of the theological department, Helmut Fritzsche, to resign, on the basis of the information provided by the Gauck-authorities. Having worked closely with Fritzsche on the Christian-Marxist dialogue project, Langer was devastated. He felt confident that Fritzsche had used his Stasi contacts for the good of the students. In so many cases, Langer claimed, the Gauck-authorities had provided ambiguous information. Moreover, Fritzsche could go to court to appeal their judgment and probably win. All I could do was ask myself: what is required here, love or justice, coming to terms with the past or making a new beginning?

Other real-life examples confronted me with similar questions and tensions. I knew a pastor who had spent several years in psychotherapy. During the chaotic days of December 1989, he had gotten hold of a copy of his Stasi files. To his horror, he discovered that his therapist had regularly delivered information to the Stasi, which hoped to have him committed to a psychiatric hospital. He confronted the woman, but she completely denied her involvement. His files further revealed that a fellow pastor had also been an informant. Now he pondered whether or not to confront him: would confrontation only result again in denial, making both justice and love irrelevant?

In other cases, the past seemed to take care of itself. I think of Wolf Krötke, director of the newly merged theological department of East Berlin's Humboldt University. Over the years, Krötke has won a fine reputation in both Germanies for his sensitive interpretation of Barth and Bonhoeffer. Students have admired him not only for his penetrating analyses of church and society, but also for his open spirit—he has always been a rock of support. I have known Krötke ever since I first attended Konvikt. I had even helped teach him English out of an American theological text, Stanley Hauerwas' *The Peaceable Kingdom*. His apartment was in Konvikt, and I had often sat in his cool, dark office. He had never talked much of his personal past. I only knew from students that he had been imprisoned in the late 1950s: as a university student, he had composed a poem mocking Walter Ulbricht and other East German Communists of that era.

Now Krötke himself broached the subject with me. With the political changes, a number of people had encouraged him to apply for rehabilitation. He seemed to struggle to know what to do. All that was so long ago, he said. He had come to terms with it. He had no need to have his justice. Opening the case would only open old wounds. Again, I was left only with questions and tensions: was I viewing liberation or repression, healing or hurting? Could the past sometimes better be left alone, no longer a matter of either love or justice?

A fourth life story moved me most deeply of all. One afternoon, a pastor who had been active in the opposition movement told me of getting his files through a member of a citizens committee, prior to the government reestablishing control over the Stasi buildings. The files were extensive, documenting how the Stasi had bugged his home and prepared, but never executed, his arrest. What shook him most deeply was the discovery that his best friend had been an informant. He had known this man for ten years. Not only had they come to speak openly about politics, but their families had vacationed together every summer; they had shared birthday celebrations; they had hoped and dreamed together about a new kind of society, more free and just.

The shock had gone deep into his bones. To this day, his wife could not forgive the man or his wife, who had been aware of his involvement; she could not even bring herself to talk to them. The pastor himself had spoken twice to the man, by telephone. The first time the man denied everything. The pastor persisted, insisting there be honesty and openness. The second time the man completely broke down, condemning himself and sounding suicidal. The pastor was so concerned that he found himself backing off, suggesting that the friendship was perhaps not completely lost.

Through other mutual friends, the pastor has put more details together. Ten years ago, the man and his wife had attempted to adopt a baby. Everything was in order until the very day they were to receive the child. Suddenly, their request was denied, without explanation. For weeks, the man met with doctors and officials, trying to determine the problem. He got nowhere. Exasperated by his persistence, one doctor

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figure it out. Something clicked in the man's head. He went to the Stasi and offered to work for them if they would allow the adoption. They denied any involvement but agreed to check into the matter. They added that the decision whether or not to work for them was fully his. He signed a statement. A few days later, he and his wife had the child.

The German Bundestag has decided to give every East German the right to examine his files, if they indeed exist. People will be able to learn who informed on them; personal information about third parties will be blacked out. The debate that has erupted in the church is finally a debate for an entire society. Some argue that opening the files will result in acts of hatred and vengeance. It will destroy friendships; it will undermine all efforts at a desperately needed social reconciliation. Others argue that the only way to healing is through an open, however painful, coming to terms with the truth of the past. They add that to date there have been no acts of violence against known Stasi agents and informers; they do not anticipate any in the future. (Moreover, the law forbids publication of one's files.)

As in all these questions, the church finds itself on both sides. It has no other choice. Without confession, there can be no forgiveness; it may be just as true, however, that without forgiveness, there will never be confession.

Richard von Weizsäcker, the West German president, once remarked, in reference to the Nazi past, that there is no such thing as *Vergangenheitsbewältigung*; we never "master the past," for the past, for good or bad, always remains with us. FT

The Green Stick

"I used to believe that there was a green stick, buried on the edge of a ravine . . . on which words were carved that would destroy all the evil in the hearts of men and bring them everything good."

—Leo Tolstoy

When he was old, pate bald, skin sere,
Back humbled as the turtle's
For all his prayer,
He remembered John the Baptist leapt
After locusts for his food;
That his wife had begged for ice cream,
Cried for the hundred leaping tongues,
The flame of chandelier in their Moscow home;
That his children once caught
  at the skirts of gnomic priests,
Constructed paper domes,
  and kissed the ikons whose almond-eyes
Fixed not on them but on God's throne;
That in the evening, reading,
His wife hung words out
  like clothes upon a line;
That *King Lear* made him anxious.

Lev Tolstoi thumped his walking stick
Upon the path, moved on.
His thought fled to the cobbler's trade,
To a green stick still buried in a glade,
To the trains that run east and west.

Mary Freeman

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What I Saw at the American Academy of Religion

Paul V. Mankowski

The American Academy of Religion, in its statement of purpose, calls itself "an inclusive learned society and professional association in the field of the study of religion. The Academy [we are told] fosters teaching, research, scholarship, and critical awareness about the study of religion as a humanistic field of learning." The AAR was formed in 1964, grafted onto the stock of an organization call the National Association of Biblical Instructors, which had its own beginnings in 1909. Curious about the treatment of religion in the university and about the functioning of this learned society, I decided to attend its Annual Meeting, to be held in November of 1991 in Kansas City. Never having been a member of the organization, I came not as a participant but simply to observe and (as will be seen) to take notes.

I made no preparations for the convention beyond a perfunctory attempt to gain some historical perspective by paging through Volume One (1933) of the *Journal of the National Association of Biblical Instructors*. A report on the Twenty-third Annual Meeting, held in 1932, showed that it was a modest two-day affair, including half-a-dozen addresses with such titles as "Recent Excavations in Palestine," "The Bible and Modern Education," "A School Principal's Reactions to the Problems of Biblical Instruction," and so forth. From the treasurer's report I learned that the entire budget for *NABI* in the preceding fiscal year was $376. A note in the same issue from *JNABI*'s editor Ismar Peritz announced, "We do not share the views of those who hold, openly or tacitly, that the Bible and the religion it reveals are antiquated; we believe that biblical religion as culminating in the life, teachings, and regenerative power of Jesus is the only solution of the problems of universal citizenship."

Sixty years, it is fair to say, have wrought some changes in the association. The 1991 meeting was attended by more than 5,000 professors and graduate students; a 184-page program listed over 400 presentations in 59 program units; an $850,000 capital campaign is under way. Yet the ways in which the AAR has expanded from its taproot are not simply a matter of size and structure. If we may take Mr. Peritz's opinions as a benchmark, there has been some shifting of deeper allegiances as well.

On arrival at the Kansas City Convention Center, I was issued a thick book containing abstracts of the papers to be presented at the meeting. These abstracts served to guide one's choice of session (as each time-slot offered as many as eighteen separate options), to help identify the speaker's principal interest in the problem at hand, and in more than a few instances to corroborate the evidence of one's ears. As might be expected at a conference of scholars, not all arguments were equally easy to follow.

In the first afternoon of the conference I attended a session on the theme of "Violence, Victimization, and Social Control." The notion of religion as an instrument of social coercion was hardly restricted to this group; indeed, it served as one of the *leitmotifs* of the meeting: in its overt realizations, as in the paper titled "Exorcism as a Means of Christian Social Control," and in its covert forms, as discussed in "HIV-Antibody Testing as an Exercise of Socio-political Power." At the present session my attention was arrested by the thesis of James McBride of Fordham, which he epitomized as follows:

War, Battering, and Sports: The Gulf Between American Men and the "Other"

Abstract

The outbreak of armed conflict in the Middle East coincided with a marked increase in the cases of battering of women. As the day on which the number of such cases annually reach their peak, Super Bowl Sunday witnessed a great outpouring of "renewed patriotism," befitting the culmination of the first week of war. The purpose of this paper is to explore the relationship between the virile asceticism of character ethics and the psychic economy of the androcentric social order manifest in war, battering, and territorial games. In particular the analysis will demonstrate the intimate bond between the renewal of totemic identity and the ritual sacrifice of the "other," be they women, people of color, or religious "fanatics," by drawing upon the theoretical work of Theodor Adorno, René Girard, and Georges Bataille.

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Our male-dominant culture, according to Dr. McBride, has a bone-deep terror of the "other," all that which is not itself, which it must destroy in fact or symbolically sacrifice by means of ritual. The terms "enemy" and "woman" are interchangeable: "The enemy must be female or must be made so," we were told. Women are battered; male enemies must be gelded first. The speaker confessed that in listening to reports on the Gulf War he noticed that "castration images" were so common that it could not be a coincidence. He passed around a political cartoon showing Saddam Hussein waist deep in a pool of oil ("Or feces?" he conjectured): evidence that the legless Hussein was castrated, and thus feminized, in the eyes of our political culture. The connection of war with sports was adduced through an analysis of the vocabulary by which the leaders of Operation Desert Storm explained their craft; Gen. Schwarzkopf, for example, referred to his Kuwait invasion plan as a variation on the "Hail Mary pass play" in football. Dr. Naomi Goldenberg's insights into the totemic structure of this sport were presented to convince the skeptical that there's more to it than meets the eye. Each football play begins with a birthing ritual in which the quarterback puts his hands between the splayed legs of the center, directly beneath the anus. When the pigskin is delivered through the center's legs into the player-midwife's arms it becomes "live." (At this point there were hums of astonishment and assent from the audience.) The key in this exercise of male narcissism is "ball possession." One tries to penetrate the opponents' defense; to fail is to fumble is to become "ball-less," to be gelded. Football, like patriarchal culture generally, "creates women" so as to annihilate them as the enemy: like war itself, it is a ritualized realization of the male need for an "incestual relationship to the castrated mother." Applause for McBride was long and ardent.

More explicit in her religious concerns was Dr. Anne Hunter, who spoke in the same session. She identified herself as "coming from the battered woman movement," and admitted that she had "clawed her way out of an abusive marriage." Heterosexual gender norms enshrine male privacy and female publicity, it was argued; nurses tend to be in full view all day while doctors work behind closed doors. Male scrutiny of the female abets and justifies violence against women and strips the abused of defenses. Dr. Hunter discussed Jeremy Bentham's panopticon, a prison design in which back-lit cells are arranged in a circle around a darkened hub or core, from which the guards can see their prisoners' every movement at each instant, while the captives never know whether or not the hostile eye is trained on them. The Judeo-Christian doctrine of the all-seeing male God is a barrier to women's freedom, she explained, for it makes women into prisoners of Bentham's panopticon; they languish in cells on whose walls the threat "GOD SEES YOU" is permanently painted. Far from being consoling, biblical expressions such as "the hairs of your head are numbered," "from my mother's womb you know me," "he holds me as the apple of his eye," extend the normative male gaze into the most private part of women's lives. How did this come to pass? "When we live away from our internal erotic movements, we become prey to external constraint"—an elegant inversion of the Western moral imagination. Hunter's remarks also found an enthusiastic reception.

So did another presentation:

An Exploration of Quilt Design
as a Reasoning Process
Abstract

> This paper explores the idea that quilt pattern designs are one way women reason about life, quilting a way women communicate their thoughts to one another and arrive at communal consensus regarding an understanding of the world, and quilts themselves the sustaining, functional way women convey their consensus to others.
>
> Quilt design is a method of moral reasoning created by women in a survival-adaptive response to sexist culture that discourages them from culture-recognized intellectual achievement, and quilting itself is a process by which women come to a consensus regarding truth—a way which, though often dismissed as "craft," offers the intriguing possibility of serving as a door to deep levels of communication and covenant not normally accessed in the contemporary world.

This address, given by Brenda Basher of the University of Southern California in the section devoted to Arts, Literature, and Religion, left at least one listener somewhat unpersuaded. Yet it could hardly be categorized as eccentric by AAR standards. The imagery of loom and needle was much in evidence in Kansas City in the discourse of feminists, and as roughly a quarter (ninety-three, by my count) of all the papers were feminist in approach, this made for a palpable impact. The language of the "web" forks into the token of the subversive female webster/weaver and that of the female spider/spinner, both potent icons for contemporary feminists.

Not that the use of the term "feminist" is without problems. At the same conference I learned that feminism has identified itself too closely with the concerns of white middle-class women. Black women have already erected womanist, and Hispanic women "mujerista," theologies of their own. It seems not to be clear where this declamation of feminism is to end, but I noticed that most speakers used three adjectives (feminist/womanist/mujerista) to avoid the charge of exclusivism. It was in fact during a panel discussion

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on Teaching the Womanist Idea that Dr. Toinette Eugene identified "African-American quilting" as a distinct and valuable enterprise and source of self-definition, presumably in an effort to resist the hegemony of Anglo-feminist quilting theorists. Eugene was concerned to describe a "practical praxis circle" in which the personal experience of black women can be used as a ground of their spiritual empowerment.

Eugene's co-panelist Katie Cannon expressed her intention to depict "one small part of the *tabula rasa* of inclusivity" in the womanist mode, insisting that true liberation is based on the conviction that "orthodox truth not be the norm of our daily lives." Religion has a central place in Cannon's scheme, although she distanced herself from "our dominating and chauvinistic Christian heritage" (it was, as it happened, the Feast of Christ the King that day), and vowed to "deconstruct this ideology which led us into complicity with our own oppression." It was noticeable that Cannon and Eugene both showed a lively sense of humor with regard to their own theorizing—a feature that was not greatly to the fore in other sections of the meeting. Cannon was especially successful at evoking audience reaction, drawing several "Amens!" from her listeners. She attributed this response to the effect of *erons*, a term coined by her Episcopal Divinity School colleague Carter Heyward, and explained as "particles of passion generated whenever we do our pedagogy."

Feeling the need for a walk and for coffee, I skipped the later presentations in this section and made my way through the Convention Center to the refreshment area. As with any large convention, there was an exhibition hall filled with vendor displays, belonging in this case to publishing houses and software companies. As with any large convention, there was an air of professional chirpiness exuded by the salespeople and one of cautious bonhomie by their customers. While almost everyone was dressed in business attire, the number of beards and thick glasses made it obvious that this was an academic gathering. I was amused to see two Shriners passing through the lobby, complete with fezzes, clearly having strayed from some Kansas City conclave of their own. Viewed through the AAR lens, they might have arrived from Andromeda. As it happened I bumped into an acquaintance, an Old Testament scholar, who was attending sessions of the Society of Biblical Literature, which meets concurrently with the AAR each year. He assumed I too was in town for the SBL, and when told otherwise rolled his eyes and sighed. The SBL made an injudicious alliance with the AAR some years ago, he explained, and for financial reasons can't go its own way—much like a woman trapped in an unhappy marriage for fear of starving on her own. When I related the gist of the papers I had heard earlier he showed no surprise, but pointed out that there were subgroups within the AAR that had managed to insulate themselves from the general enthusiasms and preserve more traditional standards of scholarship; the sections dealing with Asian and North American religions were given as examples, as was a group concerned with Roman Catholic modernism.

It was to a session of the last-mentioned group that I went next, where a discussion of a paper by Joseph Komonchak of the Catholic University of America was underway. Aside from diction of a rather exquisite political correctness and some tittering at the mention of the name "Ratzinger" (whom Fr. Komonchak invoked respectfully), there was little to distinguish this section from a faculty seminar in a conventional university setting. A sober debate took place about the impact of Vatican II on Catholic perceptions of ecclesial continuity. Interesting arguments were advanced regarding a side issue, the origin of popular Marian piety in the nineteenth century: was it a "grassroots" phenomenon, or the market creation of European religious publishing houses, or (as one scholar argued) a stratagem of the hierarchy to reinforce the submissive role of women? No consensus was reached.

One of the less exotic-sounding listings in the meeting program was the Theology and Religious Reflection section. The paper titles, however, suggested that these words too were spoken with a distinct AAR accent: "Existentialism and Feminist Liberation Theology," "Postmodern Multiplicity and Feminist Responsibility," "Developing a Feminist Rule of Faith." More abstruse, perhaps, was the offering of Diane MacDonald of the Iliff School of Theology:

Body as (Ex)tension or (Re)tension:
From "Serpentine Wanderer" to
"La Mère qui jouit"
Abstract

Although Mark C. Taylor's "body" metaphor of "serpentine wanderer" avoids the closure of the Cartesian and Husserlian selves hooked to a "transcendental signified," Taylor's "wanderer" reverses the prioritizing of spirit over flesh in modern theologies, valorizing a flesh devoid of spirit, thereby collapsing the tensions of an irreducible "other." His metaphorical "body," then, is an (ex)tension of the phallocentric and phallocratic technology of modern theology, now confined to a two-dimensional wordplay indifferent to the cries and joys of a richly signed wor(l)d.

In contrast, Julia Kristev's "body" metaphor of "la mère qui jouit" retains a fluid identity responsive to the irreducible "other" within both her internal and external relations. This "body" of (re)tension unleashes the powers of a heterogeneous semiotic into the ordering processes of symbolic language, thereby transgressing modern dualistic thinking, and leading to an ontol-

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ogy of relatedness infused with a praxis of "care."

It must be confessed that I found MacDonald's own explication more serpentine than *jouissante*. Were I forced to decode her thesis in monosyllables, I would render it thus: gay men see things in more black and white terms than do "bi" girls. The broader theological implications of her proposal continued to elude me even as she spoke, but the project of gender-based deconstruction was hardly unfamiliar by this time. Across the board at the AAR, for the speakers I heard address the issue, the notion of sexuality as an essentially plastic phenomenon, an artifact of culture rather than an endowment of nature, was a *datum* and not a *demonstrandum*. Little sympathy was shown Camille Paglia's dictum that "nature has tyrannically designed our bodies for procreation." The inference commonly drawn was that, lacking natural realities on which to base his thinking, the individual makes his own sexual proclivities into a personal project, and "morality" is simply an index of the authenticity with which he has embraced this project.

In a paper titled "From Gendered Subjects to Gender as a Liberating Performance," May Fulkerson of the Duke Divinity School did combat with the thesis of Simone de Beauvoir that, while gender is a acculturation process, sex isn't. "Both sex and gender are done to one," she insisted. Compulsory heterosexuality is one of the current dominant power realities that deform human consciousness. Emancipation from hierarchies and dualisms is effected by defining gender as "a performative practice in relation to multiply constructed subjects." Thus, the figure of speech by which a nun is said to be married to the Church might be reconceived in terms of a "butch-femme relationship." A proof-text was found in Galatians 3:28. "We are all *performing* our sex," Dr. Fulkerson insisted, "there *really is* no male or female in Christ."

This point was made in stronger, if less Christological, terms by Anne Pellegrini of Harvard:

Sexual Alterities: Otherwise Put

Abstract

The practices of gender-fuck,* so much on display in lesbian and gay subcultures, might seem to challenge the hegemony of the sex-gender system. In displacing the purportedly "natural" symmetry of biological sex and social gender, practices of self-stylization, such as butch-femme, S/M, or cross-dressing, lay open gender as masquerade. A feminist-informed, queerly placed interrogation is offered here of the representational matrices within which the stabilizing terms of gender may be opened up and overturned. Drawing on recent work in gay and lesbian critical cultural studies, I attempt to outline the possibilities of sexual and desiderative alterities. And here the resort to the plural "alterities" is meant to resist the reificationist impostures of gender and sexual dualisms. It is also intended to suggest the instabilities of desire, the potential pleasures and dangers of moving beyond the number two.

Cheerfully announcing that "you can't tell a butch by her cover," Pellegrini presented a vigorous case, somewhat in the manner of James Joyce, for the "interstructuration of class and race" with contemporary paradigms of sexuality. The so-called natural symmetry of sex is a fiction of heterosexual males fraudulently elevated to a biological truism in order to reserve power exclusively to themselves. The myth of normality exists to brand dissidents as deviants so as to rob them of a political voice. When women gather to talk about oppression, she reminded us, they're called "dyke, queer, man-hater." When men assemble to do the same thing, they're called "senator, congressman, cardinal." No argument was offered—and, to judge from the question period that followed, no argument was deemed necessary—to establish a factual historical basis for malign male oppression. Nor was there any explicit or implicit protest on moral grounds to the erection of this system of coercion. It seems that earlier critics of patriarchy and its attendant sexual ethic complained that what the patriarchs advertised as morality turned out, on inspection, to be political self-interest, disguised; human liberation thus entailed a depoliticization of inherited sexual norms and attitudes. Pellegrini, by contrast, claimed such depoliticization to be illusory. "There is no 'outside' of politics," she insisted. Every human endeavor, every theory, every activity, every work of art or occasion of leisure, every affection or antipathy, is at bottom a political gesture. This point was reinforced in rather stark terms by a detailed discussion of Robert Mapplethorpe's photography exhibit titled, "The Perfect Moment." Pellegrini described the various combinations of unconventional coupling that the artist depicted, and drew particular attention to the fact that, in virtue of the height at which the photographs were displayed, the viewer himself was obliged to bend over to study each specimen, thus making himself willy-nilly complicit in its political purpose. What Mapplethorpe demonstrated in his work, we were told, is the truth that *"All relations are essentially relations of power."*

No exceptions were tendered to the rule stipulated above. Were we to interpret, I wondered, not only the relation of husband and wife but also those of mother and child, toddler and playmate, priest and penitent, healer and healed, as in the last analysis power ploys? There is no "outside" of politics. Pellegrini's own proposal, as I understood it, is simply to multiply sexual options, which are ultimately political choices,

* We reluctantly report the scatological language but it seems necessary to conveying the substance and tone of discussions at the more elevated levels of religious studies in the contemporary academy.—The Editors

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which are ways of exercising power: whence the invocation of "alterities." Gender is masquerade; we "put on gender" like a costume or a political badge. "Lesbians," she said, "are not always women." We were reminded that cross-dressing, voguing, and gender-fuck are occasions of heightened political consciousness in which the actor makes use of cultural counter-discourses to free himself from tyrannous dualisms. I was unable to discover from the presentation itself what the practices mentioned above actually were; in view of the somewhat arcane academic enthusiasms of the audience, the question period that concluded the session did not seem the best occasion to ask.

Throughout the conference there was a curious discrepancy between the nature of the rhetoric employed and the overall demeanor of the participants. One would be hard-pressed to find a more unabashed, unvarnished, purely Nietzschean exaltation of power. "Power *produces* truth," we were told by one speaker, herself quoting theologian Sharon Welch. "There are no standards outside history to which one might appeal for adjudication." On the other hand there was little of the Nuremberg-style rapture one might expect to accompany such radical sentiments. Most presenters received vigorous applause, and it was patent that most listeners were in full sympathy with what they were told; yet they appeared to have heard it all before. The sessions were typically attended by 100-125 people, many of whom sat in apparent contentment throughout the talks snacking on raisins and nuts they carried in clear plastic bags. Few took notes. No one, in my hearing, asked a question expressive of fundamental skepticism about the value of the deconstructionist or postmodernist project. Nor was any speaker called on to make clear how his paper contributed to the study of religion, according to the terms of the AAR. Of course it's pointless to dwell on the obvious; what was puzzling to an outsider seemed perfectly clear, even banal, to the initiated.

Lest it be suspected that by singular luck or uncommon industry I managed to capture the most exotic specimens of intellectual life at the AAR, I should point out that this was not the case. It is true that I avoided the highly technical sections on Hindu theology or Nag Hammadi Gnosticism or the thought of Ernst Troeltsch, and it is true that this more conventional scholarship accounts for a sizable portion of the AAR's business. On the other hand, if a paper might be judged by its title (or the rubric under which it was presented), I was coasting quite comfortably in the midstream. I omitted a roundtable discussion on "A Comparison of the Counseling Techniques of Christ and Carl Rogers," and, with less regret, a discussion of "Shit, God, and Kitsch: The Role of the Body in Kundera's *The Unbearable Lightness of Being*." I declined to accept John Simmon's offering, "Woman's Spirit Rising: The Introductory Class in Women and Religion Challenges Rural Midwestern Values in a Live PBS Teleclass Format," which was presented in the section on the Academic Teaching and Study of Religion. I ducked a panel convened on the topic "Appropriation and Reciprocity in Womanist/Mujerista/Feminist Work."

Many of the papers I happened to hear displayed a pronounced interest in unconventional sexual appetites; yet this interest was diffused across the boundaries of many disciplines and many sections of the Annual Meeting. There was, indeed, a session given over entirely to the Lesbian Feminist Issues in Religion Group. Let one synopsis (of a paper by Kathleen Sands of the University of Massachusetts, Boston) stand for all:

> Powers, Pleasures, and Goods: An Invitation to Conversation on Lesbian Sex
> *Abstract*
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> Using the S/M debate as a starting point, I suggest guidelines for a lesbian feminist discourse on sex. Anti-S/M writings, I observe, approach sex with predominantly moral language, while pro-S/M literature brackets moral concerns and, instead, approaches sex with interests such as power, pleasure, and intensity of experience. These discourses represent areas of concern generally characteristic of religious experience and communities: the moral, the mystical, the aesthetic, and the somatic. Since these areas of concern are relatively autonomous, conflicts arise about their respective roles within a life or a community. For example, tensions over lesbian S/M parallel the tensions religious communities often experience between mystical experience and moral or doctrinal commitments. Lesbian feminist theologians ought to offer moral strategies for bringing diverse concerns into moral harmony within the sexual lives of lesbians and our communities.

Already glutted with the metaphysics of sexual anguish (and queasily mindful of the fate of Pentheus in Euripides' *Bacchae*), I decided to skip this section. So too with the Gay Men's Issues in Religion Group, which offered "The Gay Community as Wounded Healers," "Making Love as Making Justice: Toward a New Jewish Ethic of Sexuality," and "The Compatibility of Reason and Orgasm in Tibetan Buddhism: Reflections on Sexual Violence and Homophobia." A man can handle only so much religion, after all.

In the third (and, for me, final) afternoon of the Annual Meeting a session was listed of the Theology and Science Group on the theme: The Natural and Moral Origins of Sin and Evil. I was looking forward to this forum with particular interest, inasmuch as

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the topic promised a change of intellectual diet and because Langdon Gilkey of the University of Chicago—a scholar of considerable influence—was scheduled to speak. To my disappointment, Prof. Gilkey was unable to attend. I did hear Mary Hunt, of the Women's Alliance for Theology, Ethics, and Ritual (WATER).

In a paper titled "If Biology Isn't Destiny, What Is?" Hunt deplored the "dangerous hegemony of the U.S. in the construction of a New World Order," and spoke hopefully of the contributions to be made by "feminist/womanist/mujerista advances in theology" in refocusing our energies for social change, as such theology provides "a critique of power through a hermeneutics of suspicion." Hunt expressed satisfaction that "the myth of objectivity has been put to rest in science as well as theology," and applauded the paradigm shifts in virtue of which both have moved "from value-free to advocacy-based priorities." Orthodox Christian theology has worked to encourage violence; for example, the story of "God sacrificing 'his' Son legitimizes child abuse." Chaos theory in contemporary physics can help lead us to a reassessment of the category of sin. Through the prompting of feminism, Hunt suggested, we are invited "to move from Chaos (capital 'C') to chaos (small 'c'), from ethics to ecology." If we are respectful of the insights from chaos, it was argued, the concept of sin may fall away.

While it was not made explicit, Hunt's reasoning seemed to follow this course: sin belongs to a structure of natural morality, which in turn requires that nature be fundamentally rational. But if nature is ultimately chaotic, it is irrational. Therefore natural morality, and sin, are illusory. Certainly Hunt viewed natural morality as a malignant doctrine. "Women taught not to sin are taught not to change," she insisted, and affirmed the insight of Boston College's Mary Daly: "Elemental Being *is* sinning; it requires the courage to sin." The final note I made, the last bit of wisdom I carried away from the American Academy of Religion, was the dictum that served as the keystone of Mary Hunt's address. Our present task, she concluded, is to explore fully the implications of the first and the greatest commandment of the new dispensation: "Go, and sin some more!"

As I made my way to the airport I couldn't help but notice the familiar Midwest roadside piety of billboard and bumpersticker: God So Loved The World . . . If You Love Me Keep My Commandments . . . Jesus Loves You. It struck me that "love" was a word I hadn't heard pronounced—at all—in the past three days. My thoughts were carried back to the (naive? prescient?) confidence of NABI's Dr. Peritz, who could write, in the year of Hitler's accession to power, that biblical religion provided the only solution of the problems of universal citizenship. Clearly the AAR had come a long way from its beginnings. As I boarded my plane I saw that, by an odd coincidence, the man in front of me was one of the stray Shriners I had bumped into at the Convention Center. He was still buoyed by the recreations of his own weekend, and was cheerfully yodelling in the jetway. "Everything's up t'date in Kansas City," he sang, "They've gone about as far as they kin go!"

"Yes," I said to myself, "Yes I suppose they have." FT

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A Declaration

For the Religious Freedom Restoration Act

W. Cole Durham, Jr., Edward McGlynn Gaffney, Douglas Laycock, and Michael W. McConnell

For those who are committed to protecting the unborn and to preserving our traditional moral heritage, it is a mistake to oppose the Religious Freedom Restoration Act—a mistake of both principle and tactics. It is a mistake of principle because the Act seeks to restore the most precious of our constitutional rights, the right to carry out our duties to our Creator in accordance with the dictates of our many religious faiths. It is a mistake of tactics because the protections of the Act are of immediate practical importance to the traditional values movement.

When the Supreme Court decided *Employment Division v. Smith* in April 1990, the reaction among religious and civil liberties groups from left to right was swift and nearly unanimous: it was a disaster for religious liberty. After *Smith*, the government would be free to penalize, punish, or prevent the exercise of religion without serious constitutional scrutiny so long as the law applied to nonreligious entities as well. The government may tell religious schools what to teach so long as it tells secular schools the same thing. The government may require churches to hire gay clergy so long as it requires businesses to hire gay managers. The government may force a Jewish athlete to doff his yarmulke so long as other athletes are forced to take off their gimme caps.

This broad spectrum of groups asked Congress to enact a new statutory right identical to the constitutional free exercise right as it was before the *Smith* decision. The bill, called the Religious Freedom Restoration Act (RFRA), would protect the right of every person to practice his religion, without exception, unless the government can show that it has a "compelling" reason to interfere (meaning that the reasons for the interference are extraordinarily important and cannot reasonably be attained in any other way). RFRA quickly won the endorsement of groups from the National Association of Evangelicals to the National Council of Churches, and from the Christian Legal Society to the ACLU.

Then some well-meaning lawyers on the conservative side of the spectrum became suspicious. How can a bill supported by People for the American Way, the ACLU, and the Religious Coalition for Abortion Rights be such a good thing? What's the catch?

A lawyer's job is to anticipate every possible contingency, and these were good lawyers. They suggested three ways in which RFRA might conceivably be interpreted (misinterpreted, really) to create bad consequences: (1) to give a church's opponents legal "standing" (a technical term meaning the right to sue) to challenge the church's tax-exempt status; (2) to allow taxpayers to claim their free exercise rights would be violated if a religiously affiliated organization receives government assistance under a secular program; and, most importantly, (3) to allow pro-abortion plaintiffs to claim a free exercise right to abortion if *Roe v. Wade* is overruled and states enact anti-abortion laws.

This has caused a number of persons and groups in the pro-life, pro-family movement to reconsider their position. Some (including the National Association of Evangelicals, the Southern Baptist Convention, Concerned Women for America, Agudath Israel, and many others) have thought about the matter and reaffirmed that RFRA should be enacted. Others (including the editors of First Things, the United States Catholic Conference, and the National Right to Life Committee) have concluded that RFRA should not be passed without amendments addressing these contingencies.

To demand amendments of this sort would guarantee that RFRA will not be passed. If a few special amendments are allowed (standing, funding, abortion), it becomes impossible to stave off demands for other special amendments. Almost every element in the coalition supporting RFRA opposes one or more applications of it. The common refrain is: "We're for religious liberty *but* . . ."—not in the prisons, not when it perpetuates sex discrimination, not in the

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military, not in the schools, not if it conflicts with animal rights, not if it interferes with land development in the West, and on and on. The only way to enact the principle of free exercise is to enact *only* the principle of free exercise, and to leave all disputes about applications of the principle to litigation, and to amending legislation if necessary.

So it is time for the pro-life, traditional values movement to ask two questions: How likely is it that these contingencies will come to pass if RFRA is enacted? What are the consequences if RFRA is not enacted?

The fears about standing and about funding of religious organizations are important questions of law, but both were satisfactorily resolved under the Supreme Court's traditional standing rules and there is no reason to think RFRA would reopen the issue. No one has standing to challenge another taxpayer's exemption, and there is no free exercise right to challenge governmental expenditures that do not coerce the believer's own religious practices. Litigation over funding to religious schools has always been conducted under the Establishment Clause, which is unaffected by RFRA.

The issue of abortion is much more serious and important. The argument against RFRA is that if *Roe* is overruled and states reenact laws protecting fetal life, some women will claim that they have a free exercise right to obtain an abortion anyway. There are two reasons to doubt that this is a likely scenario. First, the Religious Coalition for Abortion Rights has been making free exercise arguments for abortion for twenty years, and these claims were routinely rejected even by pro-choice courts, even before *Smith*. The chance that the same claim would be accepted today, by courts that otherwise have abandoned their pro-choice ideology, is unlikely. We have read the free exercise claims and arguments put forward by the pro-choice lawyers in the current wave of litigation, and in our judgment, these claims would not be meritorious under even the most generous interpretation of free exercise rights under RFRA.

Second, and most decisively, RFRA expressly provides that a free exercise claim can be overridden by a "compelling governmental interest." All of the justices who have indicated they are prepared to overrule *Roe* have stated that the government's interest in protecting unborn life is "compelling" from the point of conception. If that interest is compelling under the Constitution, it is equally compelling under RFRA, and laws prohibiting abortion would be enforceable.

Can we promise that *no* court would conceivably interpret RFRA to protect abortion rights? Obviously not. A desperate and frustrated pro-choice movement will try every theory it can devise, and RFRA will surely be among them. Just because pro-choice advocates make these arguments does not mean that courts (the same courts that are ready to overrule *Roe*) are likely to discover abortion rights under a statute that does not even mention abortion and that was enacted with the support of pro-life groups like the National Association of Evangelicals and the Mormon Church. At *most*, one might expect a rogue district court, frustrated over the reversal of *Roe*, to accept an RFRA abortion claim, only to be reversed on appeal.

We doubt that pro-life RFRA opponents think much more of the legal strength of these claims than we do. But their implicit attitude is: why take any risk at all? Why support RFRA if it creates any risk (however small) that it will perpetuate the killing of unborn children?

This is where we most vigorously disagree with RFRA's critics. Even putting aside our deep-seated commitment to the principle of religious liberty in general, we believe that enactment of RFRA is of particular importance—practical, nonspeculative, immediate, legal importance—to the pro-life, traditional values movement. Ask yourself: what institutions are most likely to find their religious principles in conflict with the doctrines of the modern secular state?

Even with regard to abortion, the most likely and important effect of RFRA is to protect pro-lifers from pro-abortion laws. What is to keep pro-abortion states from requiring hospitals—including Catholic and other religious hospitals that view abortion as the taking of human life—to perform abortions? What is to keep public hospitals from requiring all nurses and doctors to assist in abortions? What is to keep states from requiring medical students to learn to perform abortions as a condition to becoming licensed to practice medicine, from requiring medical schools to offer training in abortion, or from requiring public employees to subsidize abortion through health insurance? Already, federal regulations declare the failure of a college clinic to provide abortions or abortion referrals as a form of sex discrimination. In all these cases, RFRA would provide a legal shield against the power of pro-abortion governments.

Without RFRA, the cumulative effect of such pro-abortion regulation may be to close down pro-life medical facilities in some states, or to prevent pro-life medical personnel from practicing in obstetrics and gynecology. If pro-life nurses and doctors are driven from the field or deterred from entering, a woman deciding whether to abort is unlikely to encounter informed professionals who think her decision presents a moral issue. The resulting hazards to fetal life are far more serious than any risks associated with RFRA.

But the importance of RFRA to the government goes far beyond the question of conscientious opposition to abortion. Consider the following examples, drawn from actual events.

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Parents increasingly find themselves at odds with the philosophy espoused in the public schools. Some challenge specific parts of the curriculum (mandatory AIDS education, New York City's distribution of condoms to schoolchildren without the knowledge or consent of the parents, textbooks that propagate anti-Christian doctrines, gym-class dress requirements at odds with the modest dress required of Hindu, Muslim, and other children, "values clarification" classes that teach that there is no objective source of right and wrong, and so forth). Some parents go the further step of home schooling. In all these controversies the parents meet intense opposition from school authorities. They used to be able to invoke the protection of the Free Exercise Clause. Now they need RFRA.

There are rapidly growing communities in Southern California and elsewhere that have blocked construction of churches because they don't like the traffic and the noise. Churches have been forced to limit their religious ministries to activities approved by the city council or zoning board. There can be no more direct interference with the spread of the gospel and the mission of the church. But after *Smith* churches are at the mercy of local bureaucracies. RFRA would restore their constitutional rights.

Under ordinances forbidding discrimination on the basis of sexual orientation, churches have been taken to court for refusing to hire a homosexual as church organist or as teacher in the church school, ministries to the poor have lost their funding when they refused to tolerate homosexual behavior within their programs, and a Jesuit university was required to give recognition and support to a gay rights group. After *Smith*, these laws will likely be upheld. RFRA would help.

State accrediting agencies set standards for private schools, even those operated by churches. In a number of states, these agencies are dominated by teacher unions and public school advocates who have made it virtually impossible for some religions to operate schools in accordance with their religious principles. In the past, schools in some states with particularly onerous requirements have won protection through the Free Exercise Clause. After *Smith*, they need RFRA.

It is illegal under state and federal law for employers to discriminate on the basis of sex. If *Smith* is taken literally, these laws apply to churches, even when they are hiring priests or clergy. It is only a matter of time before a disgruntled would-be female priest or minister will file a lawsuit. A leading feminist legal scholar has called for the revocation of tax-exempt status for churches with an all-male clergy. These pressures will only increase in the future. RFRA would help.

The prime function of the Free Exercise Clause is to enable religious communities to preserve their way of life in the face of hostile state power. After *Smith*, the protection is all but gone. Churches and believers can be forced to conform to the secular dictates of zoning boards, civil rights bureaucracies, educational agencies, city councils, tax collectors, social welfare bureaucracies, and every other form of government authority. Powerful interest groups in many places, especially large cities, are often antagonistic to the traditional religious values of family, sexual self-control, objective morality, and individual responsibility. It is naive to expect principalities and powers to respect the integrity of the church, or to be restrained in their use of authority.

The arguments against RFRA are highly speculative and unlikely to come to pass. The consequences of failure to pass RFRA will be serious and immediate. They are real. They will become more serious as secular culture departs ever farther from traditional religious norms. RFRA presents a rare opportunity to protect what is most precious. Let's take it! FT

Because of the importance of RFRA, and because of the continuing debate over its potential implications, we will present a number of responses to this Declaration in our April issue. —The Editors

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Books In Review

The Pizza Theory

Inventing the Flat Earth: Columbus and Modern Historians. By Jeffrey Burton Russell. *Praeger. 117 pp. $12.95.*

Reviewed by **Robert Royal**

Revisionist history offers satisfactions of several kinds to a certain type of writer. Not only does the reviser feel a sense of superiority to his predecessors, the benighted drudges who wasted their lives mired in ignorance and error. He, or increasingly she, often has the added pleasure of superiority to contemporaries as well: the bearer of the light understands the past, therefore also the present, and may confidently propose a future—usually of an impeccably progressive cast. For such intellectual laborers, Harold Bloom might have said (perhaps he already has): all vision is revision.

Yet from another quarter we receive whispers of ancient warnings: *hē gnōsis phusioi, scientia inflat,* knowledge puffeth up—not the knowledge itself, naturally, but what we allow it to do to us. And when what we think is superior knowledge turns out itself to be an intellectual imposture, what course remains but the revolutionary expropriation of the expropriators? With ideologies and empires crumbling around us in the late twentieth century, the revision of the revisionists bids fair to become a central intellectual growth industry.

In *Inventing the Flat Earth,* Jeffrey Burton Russell, a medieval historian, has assembled evidence exploding one of the most influential historical hoaxes ever perpetrated by revisionists. We have all heard it vaguely claimed that Christopher Columbus proved to a dark and disbelieving late-medieval Europe that the world is not flat. Russell shows beyond dispute that any educated person in medieval Europe already knew that. Later historians simply invented a progressive Columbus myth for several reasons. Some hated the Spanish Empire and Roman Catholicism. Others wanted to demonstrate the superiority of the modern world. Still others thought it crucial to portray religion (particularly Christianity) as a reactionary force and an opponent of enlightenment.

How was what Russell calls the Flat Error constructed? Only two ancient Christian writers of any significance put forward a flat-Earth theory: Lactantius (c.245-325), a Latin convert who ignored the sophisticated hermeneutics of Fathers like Augustine and Chrysostom and propounded a crude "biblical" cosmos; and Cosmas Indicopleustes (writing around 547-549), a Greek who argued that the universe was a vaulted arch with the earth as the floor. Lactantius was posthumously condemned as a heretic, and Cosmas was and is so obscure that a graduate student may easily finish a degree in medieval studies without ever coming across his name. (Of further importance to the present context is the fact that Cosmas was unknown to Western Europe until 1706 and could have had no influence in Columbus' time.)

As anyone who has read Dante's *Divine Comedy* will recall, that medieval author takes for granted a spherical Earth and a Ptolemaic universe, in fact makes them of major structural significance in his poem. All other serious medieval thinkers held the same belief. How then did their views get steamrollered into the Flat Error? (A "Wizard of Id" cartoon included among the illustrations to the volume shows a mock-Solomonic king reconciling a dispute between the court's flat partisans and round partisans by proclaiming that the world is both flat and round: "I call it the Pizza Theory.") Russell points to two main schools of earlier revisionist historians as the primary sources: the progressives of the early nineteenth century and the Darwinians after 1870. Both groups had an interest in revising the record for contemporary purposes.

Washington Irving, probably the best known of the progressives, felt obliged to present an image of modern man freeing himself from the constraints of feudal and Catholic Europe to help create the democratic and Protestant New World. During a stay in Spain, therefore, he read some of the original archival materials on Columbus and selected among them to make of that Catholic Genoese navigator the unlikely hero of American Protestantism and progressivism. The whole vivid, romanticized, dramatic, and almost entirely fictitious moral tale was published in 1837 as the *History of the Life and Voyages of Christopher Columbus.* Despite its shortcomings as truth, the book set the tone of Columbus studies for the rest of the century and, to a certain extent, beyond.

Samuel Eliot Morison, a canny sailor himself and judicious historian of Columbus, describes Irving's dramatic scenes of Columbus in argument with the learned doctors at the University of Salamanca as "pure moonshine." As we know beyond question, such conversations as Columbus had with scholars at the behest of the Spanish crown did not deal with questions of the earth's roundness but of its size and the location of land masses. (The theologians' theories, incidentally, were far closer to the truth than Columbus' optimistic projections.) In Washington Irving, however, and in a host of other self-styled progressive writers after him, the Inquisition and "monastic bigotry" are the forces that must be overcome to create America. The "learned" theologians, therefore,

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confront Columbus with a passage from—Lactantius! "Is there anyone so foolish as to believe that there are people living on the other side of the earth with their heels upward and their heads hanging down?"

Though Lactantius had himself been declared heretical more than a thousand years earlier, historical ignorance made it but a short step to the kind of *truth v. orthodoxy* morality play that has persisted even as late as this exchange in Joseph Chiari's *Christopher Columbus* (1979):

> Columbus: The Earth is not flat, Father, it's round!
> The Prior: Don't say that!
> Columbus: It's the truth; it's not a mill pond strewn with islands, it's a sphere.
> The Prior: Don't, don't say that; it's blasphemy.

Columbus the bearer of universal enlightenment was to find a successful career in France and other continental nations as well.

After 1870, the Flat Error was found to have a second use, this time among what might be called the anti-anti-Darwinians. Darwin's defenders were looking for any ammunition they could find in their struggle with fundamentalist Christians. None of the major Church Fathers or medieval thinkers, says Russell, would have dreamt of using the Bible all by itself as a complete guide to scientific matters. From the first, biblical hermeneutics were generally too sophisticated for that. But threatened by the advances of science, some modern Christians tried that desperate tactic. In the evolution controversy, therefore, Darwin's supporters—who were not very theologically sophisticated themselves—had a vested interest in making all so-called "biblical" thought appear benighted.

Dug up by some scholar or other, Cosmas Indicopleustes was translated into English for the first time in 1897 and was immediately portrayed not only as a fool himself, but the emblem of Christian foolishness. His name began to appear in histories and textbooks as if he had been the main cosmological theorist of the Middle Ages.

The medieval Church had been a sponsor of science, of course, but the Darwinian dynamics were projected back upon the earlier age. For example, Andrew Dickson White, the founder of Cornell University, became one of the principal late-nineteenth-century propagators of the Flat Error out of opposition to contemporary Christian obscurantists. Ignoring the medieval scholarship that was available even in his day, he accepted on faith the misstatements of several fellow polemicists. Russell comments: "White and his colleagues ended by doing what they accused the Fathers of, namely, creating a body of false knowledge by consulting one another instead of the evidence."

Though for at least the last fifty years all this has been known to scholars as a simple comedy of errors, the myth persists. The Flat Error continues to appear, of course, in widely used primary, secondary, and college textbooks. But even some of the most influential modern historians have been taken in. The distinguished historian and former Librarian of Congress Daniel Boorstin in his lively and generally reliable volume *The Discoverers*, for example, falls prey. In chapter 13, "The Prison of Christian Dogma," Boorstin asserts that during the Middle Ages Christians engaged in an "amnesiac effort to ignore the growing mass of knowledge [about a spherical earth] and retreat into a world of faith and caricature." As evidence, Boorstin cites the hapless Cosmas and over several pages mixes that eccentric figure with more mainstream Christian thinkers like Augustine to evoke a wholly imaginary "legion of Christian geographers" who believed that the earth was flat.

When even a Daniel Boorstin can be taken in by a scholarly imposture that has become widespread, is it any wonder that far less learned people look down on the past in general and the religious past in particular? The historian David Noble, who wrote the foreword to *Inventing the Flat Earth*, laments this situation and reminds us that progressivism has a deep human genealogy: once the medieval sense of the world's unity is rejected and time "is conceived in discontinuous terms, it becomes necessary to believe in progress to escape the terror of a world without meaning." So all traces of progress are carefully husbanded by progressives for fear of falling, not off the edge of the Earth, but off the edge of presumed knowledge.

The Flat Error will probably continue its fugitive life in the odd nooks and crannies of modern pedagogy. Our schools have for some time been sponsoring a colossal loss of basic historical knowledge, ironically mirroring the very kind of medieval amnesia we are told that they remedy. Perhaps one way at least to begin a recovery of history, now that even the Flat Error can no longer stand the light of day, is to take a hard look at the truth and revise the facile, stubborn, and obscurantist myth of progress.

Nothing But Muck

Scandal: The Culture of Mistrust in American Politics. By Suzanne Garment. *Random House. 335 pp. $23.*

Reviewed by **Robert Goldberg**

At the end of Fitzgerald's *The Great Gatsby*, the narrator Nick Carraway sums up the inner lives of the rich and self-absorbed Tom and Daisy Buchanan and their indifference to the pain and death they inflict upon Gatsby by commenting: "It was all very careless and confused. They were careless people, Tom and Daisy—they smashed up things and creatures and then retreated back into their money or their vast carelessness, or whatever it was that kept them

Robert Goldberg *is a new contributor to* First Things.

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together, and let other people clean up the mess they had made. . . ." Similarly, Suzanne Garment's profound new book, *Scandal: The Culture of Mistrust in American Politics*, surveys the political equivalent of Fitzgerald's amoral high society—the permanent scandal machine comprised of the media, congressional staffers, prosecutors, interest group dirt-diggers, independent counsels—and finds it no less contemptible or indifferent to the suffering of people and institutions than Tom and Daisy Buchanan were to Jay Gatsby.

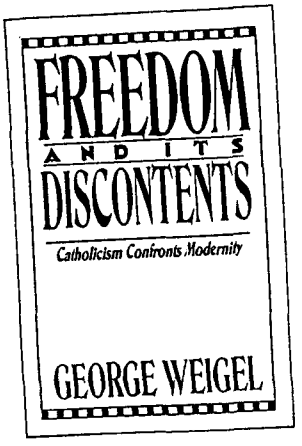
Garment's empirically supported contention is that the permanent scandal machine's attack on corruption and unethical behavior in government and politics is more damaging to the moral climate of American politics than the corruption it seeks to eliminate. The focus on scandal diverts attention from real problems (the Keating Five instead of the careless deregulation of the savings and loan industry, for example) and generates mistrust of government, thereby undermining our belief in the efficacy of change through elected government. Reforms to "clean up" politics spawn an interlocking array of investigatory organizations with little oversight and a tremendous incentive to turn even the slightest appearance of impropriety into a multi-million dollar, media-fed search for wrongdoing. That Hollywood is going to make a movie of "the October surprise" (the almost universally discredited allegation that the Reagan campaign paid off Iran to delay the release of the hostages) is an appropriate apostrophe to this phenomenon.

THE PERMANENT scandal machine has its roots in the reform movement that emerged after the Civil War in response to the rise of urban political machines that organized the growing number of immigrants into a potent political force. Comprised of old-line Protestant politicians, the media, and elites of business and academe, the manifest purpose of the reform movement was to eradicate corruption and take "politics out of government."

Throughout much of the twentieth century such reforms had the effect of making government more efficient but less accountable to the public. They spawned inaccessible bureaucracies and recalcitrant public employee unions—new machines—whose corruption and inefficiency is no less pervasive or notorious than that under Jimmy Walker or other urban bosses. Reform created a procedurally pure political process that has become increasingly unable to respond with dispatch to publicly defined problems. Largely free of electoral constraints, the new machine op-

"How can an authoritative church avoid authoritarianism?"

A good question. And how can that church, committed to a dialogue with modern science and the humanities, still hold itself accountable to an ancient religious tradition? For a spirited and provocative exploration of questions like these, read **George Weigel's *Freedom and Its Discontents*, published by the Ethics and Public Policy Center. 191 pages/$19.95 cloth**



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erated according to its inner lights, not the will of the people. In the process, what James Q. Wilson calls the more direct democracy of the marketplace was replaced with bureaucratic management of policy-generated constituencies and their complaints.

At a national level, reform efforts—confronted with the civil rights conflict, the assassinations of President Kennedy, Robert Kennedy, and Martin Luther King, and America's demise in Vietnam—developed a "mistrustful attitude towards political life in general." As Garment notes, deceit, corruption, and abuse of power were regarded as the central cause of the nation's difficulties. Watergate ultimately justified this perception and unleashed a widespread attack not only on illegal actions, but offensive behavior and sleazy politics as well. Within an expanding universe of impropriety, even the appearance of scandal became "notorious, morally significant, and exciting."

It is in this environment that the permanent scandal machine brought itself into being. The media transformed themselves into full-time investigative enterprises, searching far and wide for any action or behavior that could possibly snowball into Watergate-level scandal. Congress imploded, destroying seniority, creating dozens of new subcommittees, adding thousands of new staffers, all with a mission to root out malfeasance. New "watch-dog" interest groups found that helping staffers dig up dirt and generate scandals increased their influence in policy-making. Federal agencies and Congress itself, seeking to insulate themselves from attack, set up independent inspectors general and ethics offices to expand the universe of impermissible actions, making even the appearance of impropriety a crime. Finally, independent counsels and federal prosecutors initiated an open-ended string of indictments and trials (all given full play in the media) of people unlucky enough to get caught in the cogs of the scandal machine.

WHAT IS so striking about Garment's account is how insignificant most of these scandals were and are. In fact, Garment asks, can you remember the particulars of Lancegate, Koreagate, Billygate, or Abscam? Can anyone remember why Hamilton Jordan, Ray Donovan, Richard Allen, Jim Wright, or Tony Coehlo were forced to resign their positions? Can anyone even remember who most of these people were? Or more currently, who but scandalmongers know what B.C.C.I. stands for or why it is important to investigate Allan Hubbard, the executive director of the President's Council on Competitiveness? In each case, as with others Garment discusses—Abscam being the exception—not one "scandal" involved criminal behavior or the use of public office for personal enrichment. (In the Abscam case, federal agents had to trap garden-variety congressmen into accepting small bribes.) Most Americans likely have a better recall of the behavior of congressmen and presidential candidates involved in sex "scandals" because the titillation factor is higher. In general Garment notes that most of the scandals aren't really scandals at all: they are attacks on actions or behavior that the scandal machine has defined as either unethical or (it now means the same thing) having the appearance of impropriety.

Nor—with the sole exception of Watergate—have these scandals or revelations deeply affected policy-making and its outcomes. Dealing with "scandals" of more recent memory, particularly Iran/Contra and the Keating Five, Garment suggests that by focusing on malfeasance, the scandal machine ignored the real issues of which scandal was a small part. In Iran/Contra, the millions Congress and independent counsel Lawrence Walsh spent to have Oliver North, John Poindexter, and others convicted on essentially *misdemeanor* charges had little impact on the source of the arms-for-hostages deal: the ambivalent U.S. policy towards Nicaragua and Reagan's desire to get the hostages out of Iran. Similarly, the Senate Ethics Committee's investigation of the Keating Five has almost nothing to do with the consequences of the government's careless deregulation of the savings and loan industry that precipitated the $500 billion bailout. As Garment notes, "We have built ourselves a system that knows how to create a public outcry over even the appearance of an appearance of a conflict of interest but could not get itself interested in the policy sins that underlay our savings and loan crisis. . . ."

Much like the reformers of yesteryear, the constituent elements of the scandal machine claim that their crusade for a politics of virtue and good motives is intended to strengthen public trust in government. How is it, then, that the focus on "scandals of intention, moral failings, and criminal liability" has "made our government worse, not better"? Why has public trust in government declined despite twenty years of steady machine activity?

THE ANSWER is that the scandal machine is less accountable than the politicians and government officials that are the focus of its wrath. Much like the bureaucracies and agencies created by the reforms of yesteryear, the scandal machine is permanent precisely because its members are responsible only to themselves and their narrow agendas. What is so striking about the explosive growth in use of independent counsels, the so-called "watchdog" interest groups, congressional staff, investigative reporters, inspectors general, and federal prosecutors is the fact that not one of these offices or interests is *elected or in any way accountable to the American people.* To stay in business, as it were, they have to serve their own self-interest—rather than engage in coalition building and the compromise of personal goals as do elected officials. The

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business of the scandal machine is to rack up a high body count as a measure of effectiveness. Further, the focus on the misuse of power is driven by the fact that policy constituencies could and still do obtain rewards (money, contracts, jobs) and influence by controlling both the scope and manner in which government agencies administer specific programs. Hence, scandal-mongering also has the effect of diverting power to interest groups, which in turn widens the gap between public choices and policy outcomes. As Garment points out, the "steep rise in public alienation is fed by incessant scandal, and our mistrust has created political habits and institutions whose workings are almost sure to produce more scandal."

Unchecked, the permanent scandal machine becomes insensitive to the impact of its actions on American politics in general and on the people who are ground up by its unyielding search for corruption. Without standards or accountability, all organizations tend towards amorality, because ultimately, absent any values or responsibility, the ends must justify the means. It is a far cry from Thomas Jefferson's belief that America would be regarded as "the world's best hope" for democracy by virtue of "every citizen meet-[ing] the invasion of the public order as his own personal concern."

The public support for Clarence Thomas' nomination in the end reflected the people's determination to cut through the ideological haze and to insure that certain standards of due process (such as requiring the accuser to prove misconduct) would be upheld, particularly when these standards apply to an institution precisely empowered to uphold constitutional rights. It was a defeat for the scandal machine and a brief restoration of the public's direct link to its government. That the one tends to undermine the other is Suzanne Garment's chief concern. We can only hope that her excellent articulation of this dilemma will be an important resource for its correction in the future.

Declinism—and Fall?

Why America Doesn't Work. By Chuck Colson and Jack Eckerd. *Word Publishing. 227 pp. $16.99.*

Reviewed by **Dean C. Curry**

In *Why America Doesn't Work*, Charles Colson and Jack Eckerd retell the Jay Leno joke about a character dressed up as Uncle Sam who can't linger for an interview because he's on his way to open up a new Toyota dealership. Jokes and more serious predictions of America's decline have grown into a

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virtual cottage industry in recent years. "Declinism," as it has come to be called, is much in vogue in the United States. Not surprisingly, a counteroffensive has been mounted by some intent on disproving the declinist thesis. So, for example, when the declinist argues that the United States' share of world exports has dropped from 27 percent to 20 percent, the anti-declinists counter that America's percentage of world GNP is roughly the same as it has been throughout the post-World War II period (approximately 24 percent).

The statistical evidence marshaled by both sides amounts to a blizzard of information that most people find bewildering. Moreover, the mound of contradictory statistical evidence gives the impression that neither the declinists nor the anti-declinists can make a convincing case. The result is that Americans seem to accept that their country is no longer on the cutting edge economically and technologically, but they feel, nonetheless, that life in America is still pretty good.

In *Why America Doesn't Work*, Colson and Eckerd make a compelling case that something is wrong with America and the good life may not last much longer. But the analysis of this book is different in two significant respects from others of the declinist genre. First, the authors are not primarily concerned with describing the nature and extent of America's decline. This book is more than a collection of apocalyptic horror stories; it is in the authors' characterization a "'can-do' book: a book about what you [meaning all of us] can do to help restore the work ethic."

The title, *Why America Doesn't Work*, is meant to suggest the obvious: namely, that America is in danger of losing its economic dominance. But the book's emphasis on the work ethic also provides a second perspective that sets it apart from other declinist arguments. The ambiguity of the title is meant to suggest something even more central to the authors' argument, and that is that many—perhaps most—Americans have lost sight of work as a calling.

Colson and Eckerd are careful to acknowledge that a host of factors account for the disturbing trends that have become evident in recent years. Tax structures and governmental regulations, for example, certainly have an impact on economic productivity. Neglected, however, in the popular diagnoses of America's ills is the relationship between the habits of the American people and their beliefs and values. It was once self-evident, say the authors, that thrift, industry, diligence, and perseverance were values to be cultivated and respected. Not any more: the dynamics of modernization, accompanied by a growing secularism, have produced a new breed of Americans, epitomized by Ivan Boesky and Michael Milken, who "have no transcendent values, and no goal other than pleasure or work for work's sake."

MOREOVER, the authors argue, America's economic decline cannot be separated from its other serious problems—drugs, crime, the breakdown of the family, etc. All are the consequence of the nation's having lost its spiritual moorings. "The death of the work ethic in America," Colson and Eckerd write, "is a direct result of the loss of a spiritual center in our society. [And] since our view of work flows out of our view of life, we must change the underlying values by which people choose to live." This is a message not likely to be well received by those secular elites that shape much of American cultural life. But it is a message that the authors persuasively develop throughout the four parts that make up *Why America Doesn't Work*.

After reciting a litany of what are by now well-known shortcomings of America's economy, the second part of Colson and Eckerd's book contains a brief but enlightening discussion of what might be called a theology of work. Drawing upon the Western, Judeo-Christian tradition, the authors remind us that work not only defines who we are, but that it is a moral imperative as well. "Work," the authors write, "is much more than just a need to keep busy or bring home a paycheck. . . . [It] is a fundamental dimension of human existence, an expression of our very nature." Like much of Colson and Eckerd's book, this discussion has a familiar ring to it; yet these simple truths are ones with which many of us need to be reacquainted.

The third part of the book focuses on the destruction of American education and family life. Once again, this description of the plight of America's schools and urban underclass is not novel. What is refreshing about Colson and Eckerd's discussion is the argument that these problems are, at root, moral problems. Indeed, it is simply remarkable that those people responsible for educational and social policy during the past three decades cannot make the obvious connection between the deplorable state of education, the multiple tragedies of the inner cities, and the virtual elimination of religiously informed values from American public life. Colson and Eckerd are surely right: far from "freeing" children and the urban underclass from the "oppressive" influence of religion, the "value-free" solutions mandated by our social engineers are robbing America of those transcendent values necessary for the cultivation of habits of responsibility, accountability, and personal achievement.

Colson and Eckerd devote the bulk of their book, the fourth part, to suggesting ways in which the values by which people choose to live can be transformed. Their answer is moral education—in the home, the church, the schools, the media, and throughout all levels of our national life. Much of what the authors argue for here makes great sense—for example, injecting "a

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healthy dose of competition" into our educational system through the use of educational vouchers. On other matters, however, the authors are less persuasive. While Colson and Eckerd are certainly correct to argue that the church is not the only institution capable of addressing the moral vacuum in American society, their conclusion that "basic moral concepts . . . are mounting a comeback" among secular cultural elites—Norman Lear is cited as an example—is certainly overstated.

The authors conclude their joint effort with a long chapter entitled "Restoring the Market Place." Here they develop six values that they believe will get the American economy back on track. In telling a number of interesting success stories, they emphasize the importance of, among other things, employers respecting the value of their workers.

Why American Doesn't Work is written in a popular, conversational style, in which the authors move quickly from point to point. This, plus the fact that the book is published by an evangelical publishing house, might limit the book's readership outside of the lay evangelical world. It would be a shame if this were the case. Colson and Eckerd may not have written the definitive scholarly treatise on America's woes, but they have something important to contribute to our public argument.

Mere Christianity

FAITH AND FAITHFULNESS: BASIC THEMES IN CHRISTIAN ETHICS. By GILBERT MEILAENDER. *University of Notre Dame Press. 211 pp. $22.95.*

Reviewed by **William F. May**

THIS VETERAN OF forty years of teaching no longer selects books for courses that fit into some tightly conceived outline but rather picks classics—or worthy companions to classics—that he knows his students will find rewarding and, just as important, from which he himself will continue to learn by teaching them. Gilbert Meilaender's *Faith and Faithfulness: Basic Themes in Christian Ethics* is just such a book. To make room for it, some other volume will have to move out of the syllabus on Christian ethics next time round.

Meilaender writes beautifully. His literary skill as an essayist puts him in a class with G. K. Chesterton and C. S. Lewis. He is Chesterton and Lewis, if you will, in a Lutheran key.

WILLIAM F. MAY *is the Cary M. Maguire Professor of Ethics at Southern Methodist University and author of* The Patient's Ordeal *(Indiana University Press).*

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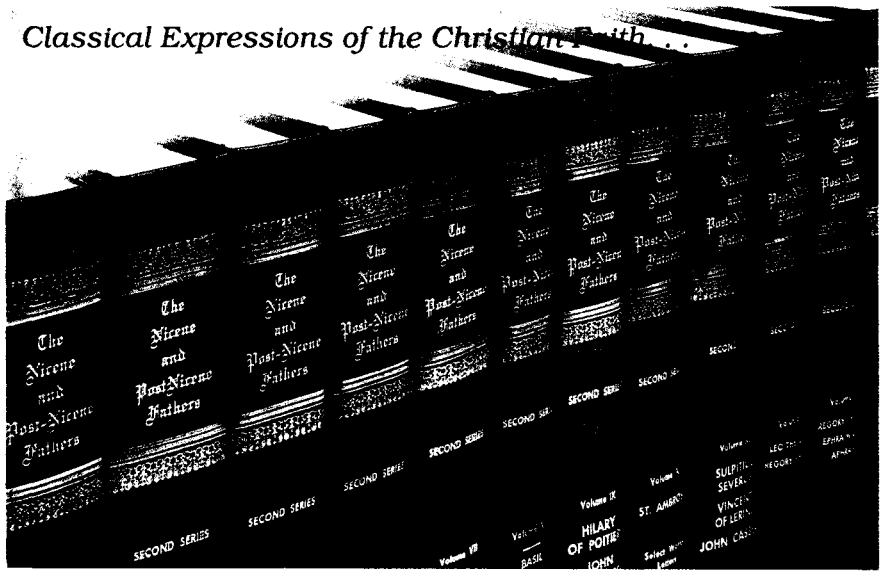

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— DR. ROBERT WEBBER, *author of* Common Roots

"The early church fathers will continue to be the chief authorities for the doctrines and usages of the Greek and Roman churches, and the sources for the knowledge of ancient Christianity down to the age of Charlemagne." **— PHILIP SCHAFF,** *church historian and NPNF series editor*

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But unlike those other orthodox apologists, he works within the guild of Christian theologians and thus tries to respond to some of the most vexing issues Christian thinkers currently face. His first chapter, for example, acknowledges the singularity of Christian ethics but challenges those prominent sectarians today who have held that the distinctiveness of the Christian faith argues for a withdrawal from the world. In arguing against the sectarians, Meilaender relies on the metaphor of language. "The image of Christian life as insider's knowledge, as moral tradition learned in the way we learn our native tongue, cannot be fully adequate." For, "although the Christian way of life is itself a particular one sustained within particular communities it has within it universal elements. And the understanding of life which faith seeks, if it is truly understanding, will to some extent admit of 'translation' into the language of public life—which life it both affirms and seeks to transform."

The three chapters on human nature—the human being, the sinful human being, and the justified sinner—do a fine job of translating the great themes of the faith that the first chapter calls for. At the same time, Meilaender helps to enrich the language and broaden the sensibilities of native speakers. For example, in the brief compass of six pages, he connects the doctrine of the Trinity (which affirms the elements of universal benevolence, mutuality, and self-sacrifice in the divine life) with four different patterns of Christian piety, two Protestant and two Catholic. These pages are quite original, illuminating, and perhaps even reconciling.

SIMILARLY, in his chapter on the justified sinner, Meilaender travels across the conventional debating lines between Protestants and Catholics on the subject of grace: Protestants, emphasizing God's grace as declaration, pardon, forgiving love; and Catholics, emphasizing God's grace as transformation, power, and sanctifying love. He patiently shows how the celebrated advocates of each, Luther and Augustine, found room for the opposite: ". . . Luther could not speak of grace only as declaration of pardon. Augustine could not think of it only as transforming power." Since "no theory can unite these two in a tension-free harmony," Meilaender looks to the theologian to strike in the moment the most needful theme.

The last five chapters of the book turn more directly from faith to faithfulness, or what writers in other circles have somewhat inelegantly called "applied ethics."

As a first step in illuminating what it means to be faithful, Meilaender examines, under the chapter title "Rules, Virtues, and Results," the three major competing moral theories that dominate contemporary discussion. He is generally more sympathetic to those who associate ethics with rules and virtues, and wary of consequentialists (read utilitarians, pragmatists, and, I suppose, Marxists) who let the full weight of ethics fall on results. While human beings bear "a real but limited responsibility for overall outcomes," modern utilitarians overreach. They imagine "that the destiny of the world lies not in God's hands but in ours." Utilitarianism lacks both trust and hope. It "makes life a heavy burden indeed, for then we bear the godlike responsibility of providing in our every action for the general well-being."

Once having assumed a godlike responsibility, consequentialists too readily instrumentalize and rationalize all else, sometimes flouting rules and neglecting questions of virtue and character. Meilaender has written elsewhere, "Those who know themselves to be creatures—not Creator—will recognize limits even upon their obligation to do good." We are obliged "not to achieve all the good that we can" but "to effect all the good that we can within the limits morality places upon us." These limits lead Meilaender to reject as temptations such practices as active euthanasia or taking tissue from anencephalics for transplants. Respecting these limits does not supply the Christian with an "easy conscience" but a "consoled conscience."

IN DEFINING the church's role in society, Meilaender rejects what he dubs the Eusebian and the Sectarian temptations. The church is in the world, and therefore it cannot yield to sectarian withdrawal, but it is not of the world, and therefore it cannot undertake the Eusebian task of domination/accommodation. In consequence, the church engages fittingly in public life in two ways. First and positively, through its corporal works of mercy—"feeding the hungry, giving drink to the thirsty, visiting the sick, burying the dead, clothing the naked, welcoming the stranger, and visiting the imprisoned"—the church reflects the being of the Triune God and supplies intimations and inklings of God's reign.

Second and negatively, the church must bear witness against injustice in the social and political order. However, in fulfilling this latter role, the church must not fall into the trap of identifying the reign of God with any one social program. The Nazi, Emanuel Hirsch, wrongly tried that back in 1934; and liberation theologians, such as Gustavo Gutierrez, have made the same formal mistake in our time, "however wide the gap between the justice of their respective causes." (Meilaender could have offered his theological correction of liberation theology without that linkage.) Once having cleared some space between the kingdom of God and the political arena, Meilaender observes, with latitudinarian equanimity, that "there are many different—and acceptable—ways of achieving . . . [a] balance between competing goods and goals in our common life." The church should speak out against injustice, not consecrate any one social agenda or cause.

In upshot, Meilaender's position

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on the political role of the church may reflect too much the perspective of the comfortable burgher, willing to see the intimations of God's kingdom in the arena of the personal and the intimate—in corporal works of mercy—less disposed to concede that the logic of those works of mercy may require some specific commitments for institutional reforms. Nurturing institutions—even of the tax-supported variety—may sometimes intimate and foreshadow the kingdom of God.

Meilaender closes with two chapters on "Mortality: The Measure of Our Days" and on "The Taste for the Other," a comparison of Augustine's and Rousseau's attempts in their respective *Confessions* to retrieve all our days. In these explorations of faithfulness across the full span of life and its oftentimes arduous close, Meilaender shows himself to be immensely learned, but too wise simply to jangle the verger's keys of learning. Throughout these chapters and the whole, he manages to offer the general reader insight into an extraordinary range of authors (not the least, some wonderfully apt texts from Shakespeare) while never losing his own control of the basic agenda for the whole. Undoubtedly my students and other readers, working through this splendid volume, will learn something about fine writing, whether this account of the Christian faith comes to them in their native language or in one not quite their own.

BRIEFLY NOTED

FREUD'S MOSES: JUDAISM TERMINABLE AND INTERMINABLE. By YOSEF HAYIM YERUSHALMI. *Yale University Press. 159 pp. $25.*

This massively documented yet eminently readable text takes up the questions surrounding Freud's last and conventionally derided book, *Moses and Monotheism*. Freud's identity as "godless Jew," says Yerushalmi of Columbia University, was much deeper than many scholars have allowed. What that might mean, and whether psychoanalysis is a "Jewish science," and what that, in turn, might mean for our understanding of "Jewish" and "science" are among the questions posed by the author in a concluding "Monologue with Freud." Freud does not answer.

ANTI-AMERICANISM: CRITIQUES AT HOME AND ABROAD, 1965-1990. By PAUL HOLLANDER. *Oxford University Press. 515 pp. $35.*

Hollander, professor of sociology at the University of Massachusetts, Amherst, is justly celebrated for his earlier *Political Pilgrims*, an analytical chronicle of American intellectuals' search for the revolution that works. In the present book, Hollander massively documents the leftist (mainly) contempt for the American experience, examining its institutional locations, also in the churches. Among the more intriguing chapters is the survey of early "revisionisms" regarding the collapse of Communism. According to myriad alienated thinkers who are nonetheless in the institutional mainstream of our high culture, the end of Communism means the birth of authentic Marxism and the vindication of their indictment of Western democracy in general and America in particular. This invaluable work both documents and provides an analytical framework for understanding the force of anti-Americanism in our culture wars. Now that the opportunities for political pilgrimages to revolutions elsewhere are more limited, that powerful force may be yet more effectively focused on the battles at home.

THE TRIUMPH OF THE EMBRYO. By LEWIS WOLPERT. *Oxford University Press. 211 pp. $22.95.*

The author is professor of biology at University College London, and his book is something of a triumph in explaining to the general reader the current state of embryology and what it may portend for the human future. While he skirts ethical issues such as abortion, he does convey the "wonder and delight" of scientific reflection on the source and development of life.

RATIONALISM IN POLITICS. New and Expanded Edition. By MICHAEL OAKESHOTT. *Liberty Press. 558 pp. $24 cloth, $7.50 paper.*

The reissue of a classic work of twentieth-century political philosophy, first published in 1962, with six new essays added to the original ten. A major Oakeshott theme is the use and abuse of reason in political life. He distinguishes between "rationalism" (an overreliance on deductive reasoning and systematic coherence) and the "practical rationality" that is more appropriate to political life.

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VALUING LIFE. By JOHN KLEINIG. *Princeton University Press. 283 pp. $35.*

An academically careful examination of the status of life itself in moral reasoning. Abortion, capital punishment, genetic engineering, and other disputed practices are treated intelligently, albeit inconclusively.

QUODLIBETAL QUESTIONS. By WILLIAM OF OCKHAM. *Yale University Press. Vols. I and II, 702 pp. $100.*

A quodlibetal question is any question that catches one's fancy and is thrown up for discussion. One might, for instance, ask why Yale is publishing such an ambitious series in medieval philosophy, of which these two volumes are part. Fifteen years ago, there were few in academic philosophy who suggested that it might be "relevant" to reexamine thinkers of, say, the fourteenth century. The suggestion is no longer deemed eccentric.

A GRAMMAR OF CONSENT: THE EXISTENCE OF GOD IN CHRISTIAN TRADITION. By AIDAN NICHOLS, O.P. *University of Notre Dame Press. 214 pp. $31.95.*

Arguments for faith in God, including the argument of Newman's suggested by the title, rely too heavily on specifically "religious" and experiential considerations, contends the author. An important and lucid contribution to a discussion that will have no end before the End Time.

A COVENANTAL THEOLOGY: THE EUCHARISTIC ORDER OF HISTORY. By DONALD J. KEEFE, S.J. *University Press of America. Volume I: 553 pp. $63.50; Volume II: 536 pp. $63.25.*

That there is a twenty-five cent difference between the volumes, suggesting a little more than a penny per page, is a lesson in economies of scale. This is, more seriously, a serious and intriguing study, advocating Augustine's Christianizing of Plato and Aquinas' Christianizing of Aristotle against everything that has been proposed to replace them under the banner of "modernity." The immense critical apparatus is a bibliological treasure house. The author has, it seems, read everything. A must for respectable theological libraries.

MONEY AND THE MEANING OF LIFE. By JACOB NEEDLEMAN. *Doubleday. 321 pp. $20.*

A philosopher at San Francisco State, best known for his writing on Eastern religions in America, attempts to "sacralize the money question." The book glosses the observation that where your treasure is there will your heart be also, and tends to accept the probability that one's treasure is likely measured in terms of money. Suggestive and sometimes quirky, *Money and the Meaning of Life* might help some readers to think more seriously about the spiritual dimensions of economics.

POLITICAL ORDER AND THE PLURALISTIC STRUCTURE OF SOCIETY. JAMES W. SKILLEN and ROCKNE M. MCCARTHY. *Scholars Press. 421 pp. $34.95 paper.*

Readings in the Abraham Kuyper tradition of Calvinist political theory. The emphasis is on "spheres of sovereignty" in the social order, which entails also schemes for proportional representation in the polity. A valuable collection, albeit woefully overpriced.

PRODIGAL SON/ELDER BROTHER: INTERPRETATION AND ALTERITY IN AUGUSTINE, PETRARCH, KAFKA, LEVINAS. By JILL ROBBINS. *University of Chicago Press. 182 pp. $24.95.*

Readers who are excited by aporias and alterities batted about in the intellectual high jinx of critical theory may relish this little book. If we accurately, so to speak, discern the skilled pretexts of the author, her conclusions, as it were, are not good news for Jewish-Christian dialogue.

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Richard John Neuhaus

The Public Square

A Continuing Survey of Religion and Public Life

Reason Public and Private: The Pannenberg Project

There are numerous obstacles to making the connections between religion and public life. For some moderns, a quasi-religious commitment to secularism produces an overt hostility to religion in all its manifestations. For many others, religion is self-evidently a purely private phenomenon. In that view, the idea of making connections between religion and public life is nonsensical and probably dangerous—dangerous to both religion and public life. Alfred North Whitehead is frequently invoked to the effect that religion is what a man does with his solitude (although Whitehead's religious thought, as developed in subsequent "process theologies," is very much publicly accessible). Similarly, William James' *Varieties of Religious Experience* is, as the title suggests, focused on experiences of an intensely idiosyncratic nature, in sharpest contrast to public reason or institutionalized traditions that claim to bear truths of general, even universal, applicability.

The notion that religion is an exclusively private affair that is to be hermetically sealed off from matters public is deeply entrenched in our culture. That entrenchment should not be attributed solely, or even chiefly, to the enemies of religion. Historically and at present, the divorce of religion from public life is in largest part the "achievement" of the religious. One thinks, for instance, of the wars of religion in the sixteenth and seventeenth centuries. Prosecuted by the religiously committed, that warfare destroyed the fabric of civil and political society, and convinced many thinkers, including devout Christians, that religion posed a lethal threat to the public order. From that tragic history arose an extreme version of "the separation of church and state" that was tantamount to the separation of religion from public life. Needless to say, such extremism is still very much with us. It is not enough to deplore it. We must understand why it emerged and why it continues with such force.

The Pannenberg Project

Enter the Pannenberg project. Over the last thirty years, Wolfhart Pannenberg of the University of Munich, and a frequent contributor to this journal, has been engaged in what is justly deemed the most ambitious theological project of our generation. The appearance in English of the first volume of his *Systematic Theology* (Eerdmans) is a major event, and occasions this reflection on reason public and private. It must be admitted from the start that the *Systematic Theology* is for those with some theological training (although it is accessibly, even gracefully, translated by the great Geoffrey W. Bromiley). The standard and more reader-friendly introduction to Pannenberg's thought is *Theology and the Kingdom of God* (Westminster, 1969), edited by this writer, who also contributed an extensive "profile" of Pannenberg and his project. While many of the complexities of the *Systematic Theology* may be for the theologically trained, the burden of the argument should be of the greatest interest to all who care about the role of religion—and specifically of Christian and Jewish religion—in the modern (postmodern) world.

The divorce of religion from public life is critically reinforced by ideas about the relationship between religion and reason. Religion, it is asserted, must be contained within the private sphere and thus kept at a safe distance from the public sphere because religion is necessarily nonrational, if not irrational. Or, it is more carefully asserted, religion operates by a form of reason that is irreconcilably different from the reason that is appropriate to guiding public life. We may have a large measure of sympathy for the elements of truth in these assertions. Christians may affirm, for instance, that the moral truths necessary to the right ordering of society are "knowable" to everybody without reference to anything specifically Christian (or, as our courts are given to putting it,

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without reference to anything "sectarian"). Christians who make that affirmation typically advert to concepts such as natural law, general revelation, or natural reason. One may also be sympathetic to maintaining a divide between religion and reason because vibrant religion cannot be contained within the limits of what is conventionally described as reasonable. The attempt to squeeze religion into the iron cage of the rational results in the kind of "rationalism" that Pascal protested in asserting that "the heart has its reasons of which reason does not know."

Yet while one may concede elements of truth in the distinction between religion and some versions of rationality, the distinction must not become a separation. The head is in conversation with the heart. Biblical assertions about reality are emphatically public in nature. They make truth claims—assertions about the nature and destiny of all things. Biblical religion is not an esoteric "mystery cult" whose secret message is accessible only to the initiated. Father Louis Bouyer writes: "The Mystery of which St. Paul speaks is not a rite formerly known to everyone but now become secret; the Mystery of St. Paul is a plan of God for the salvation of the world, which had been hidden in the depths of the divine wisdom, inaccessible to man until it was to be proclaimed to the whole world in the Gospel." (*Liturgical Piety*)

Foolishness and Reason

According to Paul, the content of the Gospel, especially the message of a crucified Lord, is "foolishness" to the wise of the world, but it is not foolishness in the sense of being irrational. On the contrary, what can be known by reason is congruent with the mystery revealed in Christ. Speaking of those who deny God and turn to idols, he says that they are responsible for the clouding of their minds and are thus "without excuse." "Ever since the creation of the world his eternal power and divine nature, invisible though they are, have been understood and seen through the things he has made. So they are without excuse; for though they knew God, they did not honor him as God or give thanks to him, but they became futile in their thinking, and their senseless minds were darkened." (Romans 1) In this view, the nonrationality or irrationality is on the side of unbelief.

The theme that runs throughout Pannenberg's theology is "the truth of Christian doctrine." This is not some special esoteric truth but truth that is publicly presentable and debatable. It is historical truth. Christianity rests on Israel's "discovery" that "history is the sphere of the self-demonstration of the deity of God." This way of speaking theologically is today considered controversial. But it has only become controversial in recent centuries when, under the impact of certain forms of Enlightenment thought, Christians have tried to exempt theological assertions from the restricted criteria of rationality proposed by modern secularism. Throughout most of Christian history—from Paul, Origen, Gregory of Nyssa, Augustine, and up through Duns Scotus and Thomas Aquinas—theologians understood themselves to be engaging the philosophers in the same arena of reasonable discourse, of discourse about the truth of the way the world really is. The relatively new thing is the dichotomy between "secular" and "religious" discourse. That dichotomy is so taken for granted today that many assume that secular is synonymous with public, while religious means subjective, esoteric, idiosyncratic, and necessarily private.

In making his case for Christian doctrine as fully participating in universal reason, Pannenberg in no way suggests that we can or should go back to a period before the Enlightenment. On the contrary, he insists that the Enlightenment has contributed powerfully to our understanding of the truth to which Christianity bears witness. He has high praise for those Enlightenment figures who tried to preserve the ideas of universal truth and universal reason when many Christian thinkers had abandoned them, seeking refuge in other sources of cognitive authority. In the conflicts following the Reformation, Protestant thinkers typically tried to secure Christian doctrine in the authority of the Bible and Catholics in the authority of the Church. When modern historical studies tended to undermine the credibility of conventional appeals to such authorities, theological discourse retreated further into esoteric experience, subjectivism, varieties of existentialism, or simple fideism, which is little more than faith in faith.

The ambitiousness of the Pannenberg project may be described in terms of its being emphatically post-Enlightenment. It is post-Enlightenment not in the obvious sense that it, along with much else, comes after the Enlightenment, but in the sense that it internalizes and moves beyond the Enlightenment and the "modern consciousness" to which the Enlightenment gave birth. Pannenberg's case for the reasonability of Christianity is precisely that—that it is capable of being reasoned. This is not to be confused with earlier claims about rational "proofs" for the existence of God or other doctrine. The "proof" of Christianity—in the sense of settling its truth claims once and for all—lies in the future. That is to say, biblical religion is eschatological, pointing toward a consummation that will vindicate or falsify what has been claimed along the way of history's course. But varied and conflicting truth claims, including religious truth claims, are now eminently debatable; they are to be tested "by the reality of the world so far as we can experience it." It is this "debatability" of Christianity that moves theology

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into engagement with public reason.

Other Connections

The reality of the world so far as we can experience it is the subject of all human thought and science, including theology. Obviously, Pannenberg is sharply challenging regnant notions of rationality that exclude the question of God as nonrational, irrational, supra-rational or, as is said by some, simply "meaningless." Those familiar with contemporary discussions of these questions will recognize important similarities with the work of, for instance, Alasdair MacIntyre. In, among other works, *Whose Justice? Which Rationality?*, MacIntyre debunks the pretensions of certain forms of secular reason, dominant in the modern university, to exhaust the meaning of rational discourse. In that regard, what MacIntyre is doing in moral philosophy Pannenberg is doing in theology. This important similarity, however, should not obscure equally important differences. As Pannenberg argues in great detail in *Theology and the Philosophy of Science* (1976), there is a universal intelligibility about reality that is debatable across the lines of various and conflicting traditions. This drive toward the universal, which makes many contemporary thinkers uneasy, is, Pannenberg contends in the *Systematic Theology*, integral to biblical monotheism. The unity of truth is necessarily entailed in the affirmation of the unity of the One God who is the source and end of all things.

We can here do little more than intimate the richness, complexity, and daring reach of Pannenberg's project. While he is a Lutheran, his vast erudition and ecumenical sympathies encompass the Great Tradition to which all Christians who would be orthodox are pledged, and he is especially attentive to contemporary Roman Catholic thought. His argument is particularly pertinent to today's discussions about a need for a "public theology" that can guide and undergird a democratically pluralistic society. Talk about a public theology will inevitably seem threatening to secularists unless it is demonstrably respectful of alternative ways of construing reality, of alternative traditions of rationality. To say that it is respectful of alternative ways of thinking does not mean that it is accepting of them. Christian theology, if it is Christian, must dispute claims that contradict Christian doctrine. But this is precisely the kind of critical engagement with other claims that elevates intellectual discourse by affirming the public "debatability" of the most important truths about human nature and destiny, and about the world we share in common with those who do not credit the biblical account of the revelation of God.

So long as Christian teaching claims to be a privileged form of discourse that is exempt from the scrutiny of critical reason, it will understandably be denied a place in discussions that are authentically public. Again, Christians bear the chief responsibility for the intellectual "ghettoizing" of Christian doctrine. The philosophical divorce of "is" from "ought," of "fact" from "value," of "what" from "meaning" largely succeeded because Christians under assault from the Enlightenment retreated into specialized and subjectivized languages of religious experience where they hoped to be secure from the radical skepticism of the modern era. It also succeeded because many other Christians—often the brightest, if not the best—uncritically accepted the equation between radical skepticism and reason. As incisively recounted by Michael Buckley in *At the Origins of Modern Atheism* (1987), such Christian apologists tried to rescue what Christian truth they could from the ordeal of modernity, usually ending up with the eviscerated vestige called liberal Christianity. Or, alternatively, they surrendered historical reason to the skeptics while continuing to cling to Christian truths that are somehow "known by faith" quite apart from reason.

Methodological Skepticism

The last stratagem is notably evident today in biblical studies, both Protestant and Catholic. It is one of the unusual features of Pannenberg as a systematic theologian that he is so assiduously attentive to biblical scholarship. Indeed, in the 1960s he first came to wider attention in this country for his writing on the historical evidences and theological interpretation of the resurrection of Jesus. Also in his use of historical-critical methodology, Pannenberg's work is in dramatic contrast to current modes of scholarship, especially in the academic guilds of biblical scholarship. The contrast might be illustrated by reference to any number of studies, but especially helpful here is the recent study by the Catholic University of America scholar John P. Meier, *A Marginal Jew: Rethinking the Historical Jesus* (Doubleday). Father Meier's book has come in for a great deal of deserved attention and it usefully demonstrates some of the problems involved in the discussion of religion and public reason.

The dust jacket, which we may assume the author did not have a chance to review, announces that Father Meier "is perhaps the foremost biblical scholar of his generation." It is sufficient to note that he is eminently representative of academically respectable biblical scholarship in our time. In this very learned and readable book, Meier says he wants to offer an account of Jesus that sticks to what can be known exclusively by historical research. "My method follows a simple rule: it prescinds from what Christian faith or later Church teaching says about Jesus, without either affirming or denying such claims." Just the facts, ma'am, as Sergeant Friday

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used to say.

"Suppose," writes Meier, "that a Catholic, a Protestant, a Jew, and an agnostic—all honest historians cognizant of first-century religious movements—were locked up in the bowels of the Harvard Divinity School library . . . and not allowed to emerge until they had hammered out a consensus document on who Jesus of Nazareth was and what he intended." The resulting consensus document, he says, would not necessarily be the truth about Jesus, certainly not the entirety of the truth affirmed by orthodox Christians, but it would be a rough draft of what "all reasonable people" could say about the historical Jesus.

It is not an uninteresting idea. But consider the minimalist and truncated notion of reason that is employed. Of the four scholars involved in his hypothetical exercise, the agnostic's definition of historical reason wins by default. The Catholic and Protestant—if they are serious Christians in addition to being honest historians—could not agree that the consensus statement represents what the texts *really say* about Jesus. Not, that is, if they hold with the entirety of the Christian tradition that the Church's proclamation of Jesus the Christ is derived from the authoritative account given in the Scriptures. In Meier's scenario, however, the Catholic, the Protestant, and the Jew must abide by the scholarly criteria of methodological skepticism as a condition for keeping the skeptic involved in the exercise.

Jesus and Christianity

In reviewing the book in the *New York Times Book Review*, Martin Goodman, a Jewish scholar at Oxford, makes some telling points against Meier's contention that Jesus was a "marginal" Jew. His more important complaint, however, is that there is a radical disjunction between Meier's historical scholarship and the reality of Christian faith. Goodman writes, "The problem is that Father Meier, like most writers about the historical Jesus, wants to see Him as a special man while simultaneously disclaiming any theological explanation of the truly remarkable birth of Christianity." The Jesus portrayed by Meier in this first volume (a second is forthcoming) is thoroughly unremarkable. According to Meier, Jesus was only a blip on the screen of Jewish history, and yet Meier makes clear that, as a Catholic, he wants to affirm all that the Church professes about Jesus the Christ in its creeds and Christological formulations.

Meier invokes—very questionably, in our view—Thomas Aquinas in support of his "strict distinction between what I know about Jesus by research and reason and what I hold by faith." Significantly, he speaks of "holding" and "affirming" by faith, but "knowing" by reason. At other points, however, he speaks of what is "known" by faith apart from reason. It would seem that the strict distinction is in fact a determined separation between reason and faith. In this way of doing things, one must write history as an unbeliever while adamantly insisting that the results have no bearing on what one believes. What he skeptically views as the "first-century documents of Christian propaganda" are, simultaneously and inexplicably, the divinely inspired gospel accounts on which the Church bases its proclamation of Jesus the Christ.

Meier tells us that the second volume will end with the death and burial of Jesus. He explains that "a treatment of the resurrection is omitted not because it is denied but simply because the restrictive definition of the historical Jesus I will be using does not allow us to proceed into matters that can be affirmed only by faith." This certainly suggests a form of fideism—of faith posited against reason, of faith as a way of "knowing" that is exempt from critical examination, of faith in faith. Perhaps fideism is not what Meier intends. Perhaps in another book he could employ a less "restrictive" understanding of historical reason that could take account of the resurrection. And perhaps not. The stakes are very high if St. Paul is correct in saying that "if Christ has not been raised, then our proclamation has been in vain and your faith has been in vain." (1 Corinthians 15) Biblical scholarship that "prescinds" from the Church's faith cannot, by definition, be informed by the Church's faith, and necessarily undercuts the Church's claim that its faith is grounded in the scriptural account of God's revelation.

The disjunction between reason and history, on the one hand, and faith, on the other, leads to some remarkable assertions. Father Meier says that he agrees with Protestant scholars Martin Kähler and Rudolf Bultmann that "the Jesus of history is not and cannot be the object of Christian faith." Certainly the Jesus of *A Marginal Jew* is an unlikely object of faith. But it is not immediately evident how Meier's assertion can be squared with classical Christian teaching about the unity (hypostatic union) of the divine and human natures in the one person of Jesus Christ. Meier would likely respond that that is a problem for "the theologians." Like many other biblical scholars, Meier assumes a very sharp division of labor among Christian thinkers. It is not simply that they move on different tracks; they operate within entirely different cognitive railway systems, so to speak. The biblical scholar lays out the results of his research, and the theologians (and the Christian people) can do with it as they will. When he has supplied the findings produced by an admittedly restrictive methodological skepticism, the biblical scholar has presumably done all that can be expected of him.

His book, says Meier, is "an invitation to theologians to appropriate from this particular quest what may be useful to the larger task of a present-day

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Christology—something this book pointedly does not undertake." Now, as a matter of fact, a number of theologians—equally attentive to the biblical evidence but employing a less truncated version of historical reason—have taken on the larger task of writing Christology. Many scholars agree that the most impressive of these more recent efforts is *Jesus—God and Man* (1968), written by none other than Wolfhart Pannenberg. It is striking that, among the thousands of references in Meier's apparently exhaustive critical apparatus, there is not one mention of Pannenberg. One draws back from the inference that Meier is not familiar with Pannenberg's work. There is no doubt, however, that dealing with Pannenberg would pose serious problems for one who feels compelled to write about Jesus as though one were not a Christian.

The Naked Public Classroom

We do not wish to single out *A Marginal Jew* as though it were exceptional with respect to the question of reason public and private. As we said, it is an unusually learned, readable, and balanced representative of its genre. (Certainly there can be no doubt that Father Meier intends to be an entirely orthodox Catholic Christian.) The genre of which it is a notable representative is the rule rather than the exception in academic theology today, at least in the more prestigious sectors of academe. In religious studies departments in major universities and in divinity schools, the unspoken (and sometimes spoken) assumption is that one is a scholar in public and a believer in private. Scholarship is defined by the canons of "critical consciousness." With regard to Scripture, as well as Christian history, doctrine, and ethics, the scholar is disinterested and value-neutral. What one makes of the truth claims of the tradition is an entirely private matter that may be given expression in family and church but must not be permitted to impinge upon the classroom. All this fits very nicely the exclusion of religion from public discourse proposed by the more secularist thinkers of the Enlightenment, and enthusiastically embraced by many Christian intellectuals. Reinforcing the naked public square is the naked public classroom—and, increasingly, the classrooms of colleges and universities that still claim to be Christian. (See James T. Burtchaell, "The Decline and Fall of the Christian College," First Things, April and May issues 1991.)

The attendant problems are especially acute with respect to biblical studies because all Christian communities claim that the Scriptures are foundational for their message and mission. A while back we convened an ecumenical conference of theologians—oldline and evangelical Protestant, Orthodox, and Roman Catholic—with Joseph Cardinal Ratzinger, Prefect of the Congregation for the Doctrine of the Faith. (The papers and exchanges of that conference are published in *Biblical Interpretation in Crisis: The Ratzinger Conference on Bible and Church* [Eerdmans, 1989].) The conference included such notables as Avery Dulles, Raymond Brown, William Lazareth, George Lindbeck, Thomas Oden, and Clark Pinnock. The participants examined the various hermeneutics—theories and practices of interpretation—used in biblical studies today, and were especially impressed with George Lindbeck's advocacy of a postmodernist hermeneutic that, fully employing historical-critical methodology, interprets Scripture in a way that makes it a "hospitable house" for Christians who have passed through the ordeal of modernity.

The Question is Truth

Yet it seems that nobody left the conference entirely satisfied, and for good reason. Of Lindbeck's formulation, Ratzinger said in conclusion, "Professor Lindbeck's thesis contains the essential methodological elements of a postmodern exegesis. I am very thankful for that formulation, though I do have some reservations about it. For example, what is self-referential and self-interpreting?" As Ratzinger repeatedly insisted, it is not enough that Scripture and tradition be a hospitable house, it is not enough that there is a wondrous "coherence" in the structure of faith. The question is whether the Christian message is *true*. And the testing of the truth of the matter must be in conversation with the ways in which we test the truth of other matters. Self-referentiality is not enough. Christian truth claims cannot be interpreted and vindicated simply by reference to Christian truth claims. Christian doctrine is vulnerable to—and is made publicly debatable by—the criteria by which other claims to truth are tested. The point made by Ratzinger and others is that nothing less than the confident and reasonable affirmation of *the truth* of Christianity can sustain Christian faith and mission—and can embolden Christians to publicly challenge other, and frequently conflicting, truth claims. In this view, Christians must accept the responsibility to break the monopoly that methodological skepticism (and, perhaps more frequently the case, methodological atheism) exercises in the leading sectors of today's academic guild.

The ambition—some would say audacity—of the Pannenberg project is to point the way toward a theological understanding of reason that frees us from two centuries of unfruitful reaction to the Enlightenment, remembering that the Enlightenment itself was in large part an understandable reaction to theological disputes. Religious reactions to the Enlightenment were various. Some Christians simply bought into a truncated definition of rationality and then tried to

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get along with whatever Christian substance survived the elimination tests of what was deemed rational. Others abdicated rational responsibility altogether, submitting themselves uncritically to inerrant Bible or inerrant Church, and willfully blinding themselves to the various interpretations of the teachings of each. More commonly, Christians divided their minds, if not their souls, allowing secularized reason to rule everywhere, determining all that we can "know" about reality—except for that preserve called religious belief, where they claimed to "know" by faith and by private religious experience.

True, being a Christian is more than a matter of reason. Much more. And the heart does have its reasons of which culturally entrenched definitions of reason know little or nothing. But in the absence of an informed and vibrant capacity to challenge those definitions of reason, Christianity itself is enervated, and its potential contribution to the better ordering of our common life is stifled. Of course Wolfhart Pannenberg is not the only Christian thinker addressing these problems. But in our estimation nobody is doing it with more erudition, lucidity, and persuasive force. And that is why the appearance of the first volume of his *Systematic Theology* occasions such extensive comment in a journal devoted to religion and public life.

FT

World Class Dumbness

John Sommerville explained, rather persuasively we thought, why the news makes us dumb (October 1991). One reason that might have received more attention in the article is the mental limitations of those who are in the business of selling news. The Media Research Center in Alexandria, Virginia, must do about the most thorough tracking of movies, television, and news reporting in America today. Highly critical of the leftist bias that dominates most media, the Center's newsletters generally eschew railing in favor of straightforward reporting of what no doubt sets many readers to railing. An extremely useful service, the Media Research Center has in recent years gathered a distinguished panel to determine the annual "Linda Ellerbee Awards." Linda Ellerbee, you have no reason to remember, was the CNN commentator who in 1989 questioned the sanity of the Vietnamese boat people: "Why would any Vietnamese come to America after what America did for Vietnam? Don't they remember My Lai, napalm, Sylvester Stallone? Clearly they have no more sense over there than, say, Mexicans who keep trying to get into this country even though this country stole large parts of their country from them in the first place."

Admittedly, Ms. Ellerbee set an exacting standard, but the judges were able to find dozens of journalists worthy of the award. Dan Rather, John Chancellor, Walter Cronkite, Peter Jennings, and other media celebrities all receive due recognition. But there were three that seem deserving of special mention. You remember the Dahmer fellow in Milwaukee whose homosexual thing was to kill boys and cut them up. That got Howard G. Chua-Eoan, an editor at *Time*, to thinking, so to speak: "There is a 'logic' too in Dahmer's crime. Raised in a culture that condoned racial prejudice and despised homosexuals, Dahmer appeared to believe he could preserve a place in mainstream society—with all its furtive hopes of family, friends, and future—by destroying the evidence of his homosexuality. He killed his 'lovers'—mostly blacks—dismembered them, and in some cases, may have devoured their remains. Crime is a logical, if messy, quick fix to the shortcomings of society. Is that the lesson then? That we get the criminals our societies deserve? Yes, of course."

Barbara Reynolds, an editor at *USA Today* drew her lessons from other news events: "Politicians led a victory parade of ga-ga worship, with people hugging tanks that have vacuumed billions from social programs. The Supreme Court ordered family planning centers to help keep women barefoot and pregnant by not telling poor women about abortion, while Congress refuses to appropriate enough funds to feed poor children. And the President says his big-deal domestic programs are highways and executions. Meanwhile, the S&L and banking fiascos flash around the country Willie Horton-style, raping not only women but men and children yet unborn."

Finally, Jerry Adler, Senior Writer at *Newsweek*, pondered how we might resolve one problem and, with it, all the others: "It's a morbid observation, but if everyone on earth just stopped breathing for an hour, the greenhouse effect would no longer be a problem."

More information about the Media Research Center can be obtained by writing to them at 113 S. West Street, Alexandria, Virginia 22314.

FT

The Last Priests

"I have ability, creativity, and imagination in an organization that doesn't value those qualities." That is Father Richard McBrien, former head of theology at Notre Dame, a Catholic university in Indiana. He is speaking about the Catholic Church. The

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statement is typical of those to be found in forty-two interviews included in *The Last Priests in America: Conversations with Remarkable Men* by Tim Unsworth (Crossroad). McBrien admires Father Charles Curran, another Catholic *enfant terrible* who has troubles with Church authority. "We need people in this Church," says McBrien, "with voices like Charles Curran's—and mine—who are committed and yet willing to say: 'This is not right!' " What McBrien has in common with almost all of those interviewed is the conviction that he is vastly superior to the Church that he putatively serves.

There are exceptions. Among the better-known exceptions are Monsignor Jack Egan and Joseph Cardinal Bernardin of Chicago, and J. Bryan Hehir of Georgetown University. They speak movingly of the burdens and blessings of being a priest. They and two or three others do not belong in this book. *The Last Priests* is, for the most part, a collection of bitter, even bilious, commentary by aging men looking back on misspent lives in an institution that, they are convinced, was not worthy of their talent or devotion. It is a rambling, repetitious book, apparently printed without benefit of research or editing. (The author seems not to know whether the encyclical *Humanae Vitae* was issued in 1965 or 1968. It was 1968.) It is a very sad book. The stories told are hardly representative of the Catholic priesthood today. Mr. Unsworth writes for *National Catholic Reporter,* a kind of *National Enquirer* of American Catholicism, and he has chosen to interview those who follow its endlessly reiterated line that the Catholic Church is headed for oblivion unless it restructures itself in a manner reminiscent of liberal Protestantism. Most of the interviewees are indeed "the last priests" of a style of priesthood that gained prominence in the 1960s.

A Grim, Bitter View

Unsworth and his conversation partners raise repeated alarums about the decline in vocations to the priesthood. One can hardly imagine a document better calculated to discourage young men considering that calling than *The Last Priests.* Many of those interviewed were, a few still are, parish pastors. To hear most of them tell it, parish ministry is the pits. Among evangelical Protestants today there is much excitement about "megachurches," congregations of two thousand or more members. There are several dozen of them around the country. Of the 19,000 Catholic parishes in the U.S., the *average* number of parishioners where there are two or more priests is well over two thousand. Parishes that have six or seven thousand people at Sunday masses are not unusual. Yet there is no similar excitement among the priests with whom Mr. Unsworth talks. On the contrary, there is a thinly veiled, and sometimes nakedly revealed, contempt for the people and piety of the Catholic "system." In place of a sense of responsibility for ministering to the faithful there is the relentless complaint that the priesthood stifles the exercise of the "ability, creativity, and imagination" that these men allegedly have in abundance.

In American culture during the 1960s the habit took hold of blaming "the system" for every discontent public and private. In the sector of the priesthood examined by Mr. Unsworth, as in the fetid groves of academe, the habit has not been kicked. His priests indulge in unrelieved self-pity about their noble visions that were frustrated by a recalcitrant Church. Dysfunctional men who resigned the priesthood in order to marry, who wrecked their ministries on the rock of alcoholism or drugs, and at least one who served time for sexually abusing a minor, all rail against what they describe as a "dysfunctional Church." The priest convicted of sexually abusing a boy complains of the ill treatment that he and other sex offenders received in jail. He protests the injustice of it all: "The boy I was accused of abusing was practically a grown man, for God's sake." Another homosexual priest who is HIV-positive says, "What would I say to the Church? I'd tell them to grow up." Presumably he knows all about growing up.

Unsworth calls his priests "remarkable men," and they are that—for their superficiality, for their utter lack of introspection or self-reproach, for their unexamined confidence that their grand visions would have produced a lovely Church and world, had they not been foiled by an ecclesiastical system controlled by vile and stupid reactionaries—with John Paul II and Cardinal Ratzinger being at the top of the list. This pontificate is compared to Soviet totalitarianism. Andrew Greeley, the sociologist and pulp novelist, is among those who make that comparison. "We could have a Gorbachev in the Church," he says. But he is doubtful about that happening, for, as a friend told him, "the bishops simply don't have enough nerve or enough courage."

Sex on the Mind

Most of the interviews are preoccupied with celibacy, married clergy, and the need to ordain women. These are veritable obsessions, and are proposed as the key to almost everything. One priest who resigned his ministry declares that "the Church can't have any real significance until it gets honest about celibacy, women, and the pill." There is the repeated charge that celibacy is "only for heteros," that homosexual priests can hang out and sleep together with impunity. There may not be that many homosexual priests, but it is another convenient stick with which to beat the celibacy requirement. The connection is made between celibacy and clericalism. Almost all those interviewed condemn clericalism as a very bad thing. None, including Mr. Unsworth, notes the

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irony that this book is patently an exercise in clericalism. The author and his remarkable men assume the mystique of the priesthood—a mystique not entirely unrelated to celibacy—even as they dismiss that mystique as magic. One cannot imagine a comparable book of interviews with malcontent United Methodist ministers, or with unhappy dentists. Here are priests deriding the priesthood even as they insist that attention be paid because they are priests.

One says the priesthood is "an aberration." Others opine that the Church, and perhaps the entirety of Christianity, is an aberration. Harvey Egan was pastor of a large parish in south Minneapolis and exults in being called "Harvey the Heretic." He is, we are told, a "skilled infuriator" who invited such as Philip Berrigan, Robert Bly, and Gloria Steinem to speak in his parish. He is a very bold man. "[Richard] McBrien is one of my heroes," he says. "Our parish property became a nuclear weapon free zone, but it didn't seem to make a difference." Apparently nobody wanted to launch or drop a bomb there anyway.

Now retired, Egan looks back on a progressive priesthood in which progress is measured by making the priesthood obsolete. "Hans Küng raises the question of what happens when Christians get together," he says. "Does anything happen? He believes that it does. But do we need the priest? Parents can do baptism. In Penance we can ask God for forgiveness. Confirmation can become a Bar Mitzvah. In Matrimony the priest is only a witness and the perpetuity of marriage is being reconsidered. Extreme Unction has been long under scrutiny. Do we need a grease job at the end of our lives? It's the direction of our lives that really counts. And so it gets down to the Eucharist and one must ask: Is it really necessary to have a priest for Eucharist? The priesthood could disappear." In fact it is not clear why all those rites, including the Eucharist, should not disappear, since they are depicted as vestigial tribal habits of what Andrew Greeley calls "communal" (as distinct from doctrinal, liturgical, or ethical) Catholics.

After a Long, Long Run

Harvey Egan's reflection captures nicely why Unsworth's remarkable men are not the last priests in America but the last priests of a certain kind. They are the priests who championed an uncomplicated convergence of the Second Vatican Council with the spirit of the time known simply as "the sixties." In fact, it was not a convergence but a collision. The Council was the fruition of decades of *ressourcement* in theology, biblical studies, liturgy, and pastoral teaching. It was aimed at bringing the defensiveness of the Counter-Reformation to an end by reappropriating the riches of the Great Tradition to which the Catholic Church lays claim. Unsworth's remarkable men, by way of contrast, viewed the Council solely in terms of *aggiornamento*—of "updating" the Church by bringing it into sync with the cultural revolutions of the sixties.

From the wreck of the collision between Council and *Zeitgeist*, these priests and theologians picked up pieces of the Council that fit their progressivist agenda, and indeed tried to hijack the Council itself in the name of "the spirit of Vatican II." At first hesitantly under Paul VI and then energetically under John Paul II, the Church began to take back the Council. That project of reclamation and repair is now far advanced and shows no sign of flagging. It is little wonder that these last priests, who now know that they are the last priests of their kind, speak with such anger and bitterness.

For others of that generation, it is less anger than dismay. They seem not to understand why the project of deconstructing the "system" must itself deconstruct. The books of one interviewee whom Unsworth calls a "clerical prophet" sold big in the fifties and sixties. He strikes a rare note of something very near to self-reproof. "I had a constituency in those days," he says. "Now, my constituency is gone. . . . The liberal Catholics of a few decades ago had a network throughout the country. Now, there's no such group. Future chroniclers will not speak fondly of us. We have not prepared the next generation of ministers. We could have had an orderly transition. Instead, there'll be nothing to pass on."

A similar note is evident in the reflection of William McManus, retired bishop of Fort Wayne-South Bend, in which Notre Dame is located. Richard McBrien thanks Bishop McManus for protecting him from the alleged reactionaries in the Church. McManus, on the other hand, wonders if he did not miscalculate what was happening in those years of progressivist "renewal." Speaking of the tightly structured seminary where he received his formation, he says, "I was so glad to be free of the place that, even years later, as a bishop, I thought that I had done my duty by simply telling my priests that they were free to develop their talents. 'You're free!' I told them. That didn't encourage them. They hadn't come from such a structured past." Precisely. Being told that one is "free to be" is not very encouraging when one has no idea what he is free to be, as most of the remarkable men of *The Last Priests in America* obviously have no idea of what it is to be a priest. The meaning of a life spent in getting liberated from a structure cannot survive liberation. Freedom is an empty achievement if there is no answer to the question, Freedom for what?

Meanwhile, thirty million or more Catholics in the U.S. go to Mass every week, the morale of the faithful and most of the clergy is palpably reviving, the drop in vocations to the priesthood has bottomed out, and there is a slow but sure recovery of doctrinal and

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moral coherence. Today's seminarians shake their head in wonderment at an older generation that saw it as their mission to dismantle the Church that they, who are aspiring to the priesthood, are resolved to serve.

Off on the sidelines, in the ruins of a failed revolution, surrounded by a few aging and dispirited comrades, superannuated leaders poutingly protest, "I have ability, creativity, and imagination in an organization that doesn't value those qualities." Mr. Unsworth seems to think that they are the prophetic vanguard. Those who understand what has happened gently reassure the last priests of their kind: Yes, yes, you really are able, creative, and imaginative, but now your act is over, the curtain has fallen, and it is time for you to shuffle along. A new and quite different drama of Catholicism in America has already opened. The show called "The Sixties" closed some time ago. You should not feel so bitter about it. It had a very, very long run.

FT

While We're At It

■ When it comes to setting the record straight, better late than never. Both supporters and opponents of Justice Clarence Thomas expressed astonished disbelief at his claim, during the pre-Anita Hill hearings, that he had never discussed *Roe v. Wade* at any time with anyone. The *Wall Street Journal* didn't believe it either. Weeks later the editors went back and checked the transcript of the hearings. It turns out that Thomas never made the claim so widely attributed to him. He said that he had never debated the contents of the *Roe v. Wade* decision, meaning, one may reasonably assume, that he had never taken part in the public debate over the decision or had never debated the law of it with other lawyers. The exact exchange went like this. Senator Patrick Leahy: *Have you ever had a discussion of* Roe v. Wade *other than in this room, in the seventeen or eighteen years it has been there?* Clarence Thomas: *Only, I guess, Senator, in the fact, in the most general sense, that other individuals express concerns one way or the other, and you listen and you try to be thoughtful. If you are asking me whether or not I have ever debated the contents of it, the answer to that is no, Senator.* The editors of the *Journal* add, "We would guess that 99 percent of all lawyers also have never debated the legal issues—because almost every lawyer agrees there is little or no *law* there." Nonetheless, the day after his testimony the *Washington Post* ran a page one story declaring that the nominee said he "had not discussed the issue, even in a private setting, in the eighteen years since the court decided it." This was the allegation endlessly repeated and, corrections notwithstanding, it is no doubt accepted by almost everybody still.

■ Pro-life folk are not of one mind when it comes to "the consistent ethic of life" (sometimes called "the seamless garment"), an idea most prominently associated with Joseph Cardinal Bernardin of Chicago. Fr. Joseph M. Connors vigorously endorses and elaborates the idea in a little pamphlet that he will be glad to send readers for two dollars. Write for "The Consistent/Consecutive Ethic of Life," WORDLIFE, Box 1319, Silver Springs, FL 32688.

■ As long-term readers know, we give attention each year to the reports on the most popular names for boys and girls. This year's report isn't out yet, but meanwhile we pick up an item from Martin E. Marty's newsletter, *Context*. Chicago Bears end James Coley and his wife Gwannettia have six children. The five daughters are named Ani, Fehlisegwanafay, Myrialysia, Shanuanevia, and Tiyonetenoa. The boy's name is James. We herewith invite further reader explanations of why people give quirky or frivolous names to girls (Tiffany was a favorite last year) and sober, usually biblical, names to boys.

■ Zondervan of Grand Rapids, Michigan, is one of the biggest evangelical publishers in the world. Their books regularly outsell those listed on the best-sellers list of, for instance, the *New York Times*. And every great once in a while they publish a book that the *Times* deigns to notice, such as Oliver North's memoirs, *Under Fire*. In the *Times* review, Zondervan was repeatedly spelled "Xondervan." The newsletter put out by Zondervan comments, "One expects better from the *New York Chimes*." Those who live a greater distance from it are given to higher expectations.

■ Your scribe recently wrote for another publication an obituary on Joseph Fletcher, the "situation ethics" guru who died last October. We observed, *inter alia*, that Fletcher was a conventionally old-fashioned Protestant in his personal life and seemed to assume that everybody else was pretty much like himself. In response, a reader sent a marvelous quote from William Hurrell Mallock, a nineteenth-century writer who was critical of the optimistic irreligion of his time: "Positivistic thinkers, whose early training has been religious, and who know little enough of the world, imagine that their own tame and narrow emotions are all that humanity has to discipline. If they succeed in revolutionizing the moral convictions and character of most men, they will learn how close the beast lies beneath the skin of humanity."

■ Friendly critics have worried to us that we may have been too harsh on Islam, especially in the reporting of David Pryce-Jones' book *The Closed*

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Circle: An Interpretation of the Arabs ("The Closed Circle of Islam," Public Square, December 1991). Well, it was really Pryce-Jones who was so very harsh, but perhaps we did not demur clearly enough. For the record, we agree that Islam cannot be identified with the Arab world. As Islam establishes itself more fully outside the Arab world, it may very well exhibit a capacity for distinguishing religion and politics in a manner more amenable to democratic governance. And yes, there are significant ways in which Islam, along with Judaism and Christianity, bears witness to the God of Abraham, Isaac, and Jacob. In that connection, we note that "Allah" refers to the One whom Christians and Jews call God. The Muslim creed is, "There is no God but God and Muhammed is his messenger." The Arabic "Allah" is from the same root as the Hebrew "Elohim." When the Quran was first translated into English in the seventeenth century, "Allah" was transliterated rather than translated, thus giving the false impression that Muslims had a different God than the God of Abraham, Isaac, and Jacob. These are all points very much worth making. And we still worry, along with our friendly critics, whether Islam can open itself to—without being destroyed by—democratic values in general and religious pluralism in particular.

Sources: Ellerbee "Awards" cited in *Notable Quotations*, a biweekly from the Media Research Center's MediaWatch, December 23, 1991 (Howard Chua-Eoan on the Dahmer case, *Time*, August 19, 1991; Barbara Reynolds on the abortion debate, *USA Today*, June 14, 1991; Jerry Adler on the greenhouse effect, *Newsweek*, December 31, 1990). Clarence Thomas' actual statements regarding *Roe v. Wade* in the *Wall Street Journal*, December 2, 1991. Peculiarities of children's names in *Context*, December 1, 1991. Our thanks to John H. Lawless for the Mallock quote.

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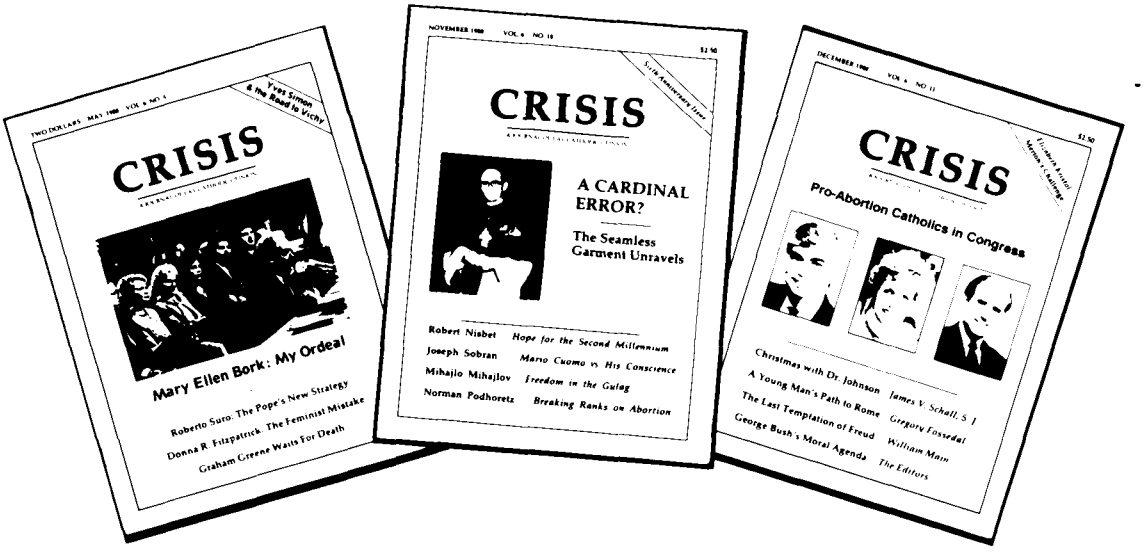
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